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VIRGINIA'S MOTHER CHURCH

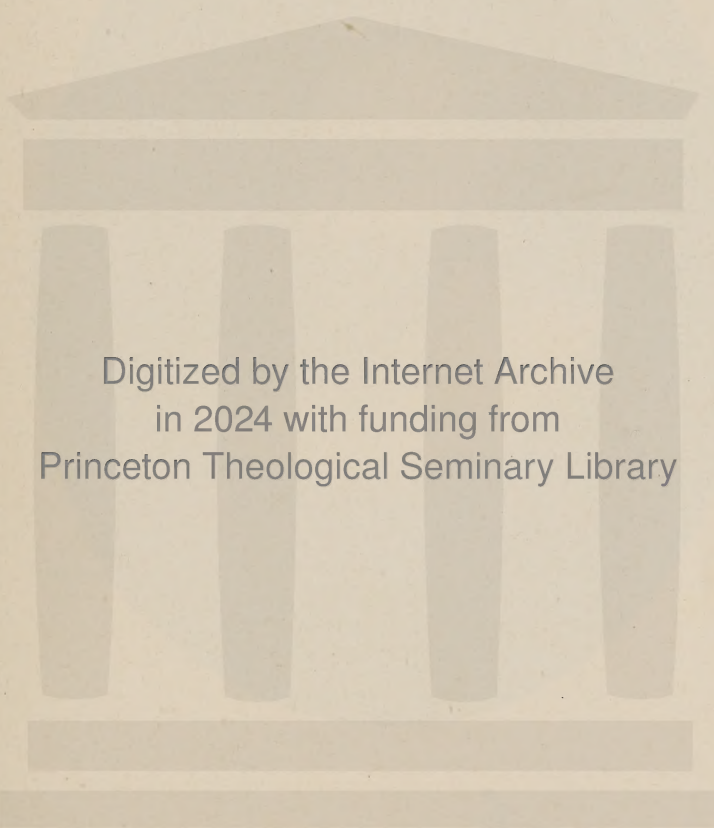


*G MacLaren Brydon*







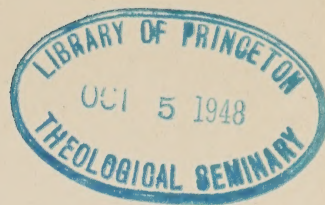


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# VIRGINIA'S MOTHER CHURCH

and The Political Conditions  
Under Which It Grew

By GEORGE MACLAREN BRYDON, D.D.  
*Historiographer of the Diocese of Virginia*



AN INTERPRETATION OF THE RECORDS  
OF THE  
COLONY OF VIRGINIA AND OF THE ANGLICAN  
CHURCH OF THAT COLONY  
1607-1727

*Richmond, Virginia*  
VIRGINIA HISTORICAL SOCIETY  
MCMXLVII

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TO  
HENRY ST. GEORGE TUCKER  
EIGHTH BISHOP OF VIRGINIA  
CLASSMATE, FRIEND AND FELLOW-WORKER IN THE  
SERVICE OF THE CHURCH  
THIS BOOK IS AFFECTIONATELY INSCRIBED





# Author's Preface

IT IS with a sense of profound gratitude that this volume of history of the Anglican Church in Virginia is brought to completion. It is the story of the first hundred and twenty years of the development and growth of organized religion in the colony of Virginia, and of the political ideals and conditions under which it grew.

The title, "Virginia's Mother Church" has been chosen as being the most accurate description of the condition which existed throughout the whole period under consideration. The Church of England was the only organized and continuing form of religion which ministered throughout the whole colony all of the time. The only other body with any notable strength were the Quakers, who first began coming into the colony during the period of the Commonwealth, and who continued to grow throughout the rest of the period. There had been a number of Puritans in the colony during the time of the civil wars in England, but these had gone. The Baptists and the Presbyterians were just making their first beginnings as the period came to a close. Throughout the whole period, the spiritual care and religious instruction of the people of Virginia were almost entirely in the hands of the Church which had come with the first settlers, and which had grown and spread *pari passu* with the growth and expansion of the colony itself.

This title, however, cannot be confined entirely to the period of this first century but may, with equal truth, be applied to the whole colonial period, including the two generations immediately prior to the American Revolution in which other Protestant churches, Presbyterian and Baptist, Lutheran, Mennonite and German Reformed were growing in numbers and strength. It was still the Mother Church of the colony in that it was in existence and organized in every county as the Established Church, ministering to poor and needy folk, and upholding the ideals of moral life and spiritual experience, whether the other religious bodies were present or absent.

The author makes no apology for the discussion of political conditions in Virginia during this period. It would be as impossible to under-



stand the development of religion in Virginia without understanding also the political conditions which dominated the civil life of the colony as it would be to try to study the character of the people of Virginia without taking her religion into account. Political and religious life were intimately blended together and developed under the same ideals of self-government and independence of action. The seeming anomaly, for instance, in our political government of today of a small rural county called a "City," as e.g. Charles City County, and a rural parish called James City Parish, is a meaningless combination of words until one goes back to the beginnings of the colony and learns that the word, "city," was intentionally applied to the first four settlements as indicating a definite form of self-government; and that every "City" was also a parish. Please God these names may always continue as place names in Virginia as being not only monuments to the ideals both in Church and State of the men who came across the ocean to become the founding fathers of a new nation, but also as bearing continuing witness to the ideals of freedom and self-government which must ever dominate our life. The great need for a fresh study of the Church in Virginia should be manifest from the fact that an exhaustive history of its life has never been written. The only writers who have ever attempted to write such an account were the Rev. Francis L. Hawks, who published his history in 1837,<sup>1</sup> and the Rt. Rev. William Meade, whose book was published in 1857.<sup>2</sup> Following these, the Rev. William Stevens Perry published in 1870 a volume containing the original records gathered by Dr. Hawks and used by him in preparing his history in 1837.<sup>3</sup> All writers upon the history of the Episcopal Church in Virginia, who have written since that day, have followed these two early authors.

Hawks and Meade had at best only a very limited amount of original records to guide them; and unfortunately both writers were profoundly critical and did not hesitate to present the darkest possible view of moral and spiritual conditions in Virginia, even in cases where the very records themselves which they used do not seem to warrant the opinions they expressed. But even if every opinion of unworthiness of clergymen and deadness of spiritual life in Virginia prior to the Revolution which they expressed had been well founded upon the records they had, the fact still remains true that there are in existence and available to students today more than ten times as many records, both in number and quality, as were available to these first writers. The

real history of the Church in Virginia must be drawn from a study of all the evidence that is now available and not merely from the records that Hawks and Meade used. The four great volumes of original records of the London Company and the twenty-one volumes of journals of the two houses of the General Assembly of Virginia, of the Council of State, and the General Court, which are absolutely essential in any adequate study of conditions in Virginia and her Church, were absolutely unknown to Hawks and Meade; nor did they have the invaluable books of Alexander Brown, Philip A. Bruce and other students of Virginia's history who have lived since their day.

It has been the misfortune of the Church in Virginia that, while the accounts of its history as related by the accredited historians of the Episcopal Church in the United States were at the best taken from the writings of Meade and Hawks, these later writers seem sometimes to have accepted as gospel truth statements made by denominational historians who were attempting, even though unconsciously, by darkening the background of conditions in the Established Church, to make the achievements of the particular denomination of which they wrote stand out more clearly by the contrast. It has sometimes happened also that a writer has seemingly made an excursion into the realm of pure imagination and brought back still more vivid and dreadful delineations of conditions in Virginia. As a result, it may be said that some of the statements still appearing in current periodical and other literature, and sometimes even in books recommended for study courses, professing to describe religious conditions in Virginia, bear about as much relation to the actual truth as Mother Goose's dictum that the moon is made of green cheese bears to the actual composition of our lunar satellite. Surely it is desirable, not only for the reputation of Virginia and her Mother Church but also for the sake of a more accurate and trustworthy knowledge of the development of religion in America, that a history of religion in the colony should be written.

The history of the Anglican Church in Virginia may easily be divided into three parts. The beginning of the Great Revival, commonly dating from the conversion of John Wesley on May 24, 1738, may be taken as one of the dividing points, and the ending of the colonial era of the Church in the death of Bishop Madison in March, 1812, as the other. During the first period, from 1607 to 1725-30, the Anglican Church was the spiritual mother of practically all of the people. This period will show the growth of religion in Virginia under the forms

of the Anglican Church in an establishment which was sufficiently mild to provide room for all forms of Protestant faith except such as showed themselves disloyal to the king or hostile to the government of the colony. This present volume seeks to tell the story of the Church during that period. A second volume will carry the story of the intensely interesting period from 1725 to 1814, in which the political ideals of freedom and complete independence came to fruition, and, in the outcome of that process, transformed the scattered congregations and parishes of the Anglican Church in the several colonies into the first dioceses of a newly organized national church. At the end of this period the Church in Virginia fell into a sad condition of prostration through the combined effects of enemies without and weakness within. The third period will cover the history of the Episcopal Church in the diocese of Virginia from its revival in 1814 to the present day.

This preface would be incomplete without an expression of deep gratitude and appreciation on the part of the author to those who have assisted him in his work. There have been many during the past thirty years who, by interest and sympathy, and by gifts to our diocesan library to purchase books and records, have been of inestimable help. But he can mention here certain ones only who have aided in the preparation of this volume for the press: Dr. Hamilton James Eckenrode, Director of the Division of History and Archaeology of the Virginia Conservation Commission, the Rev. Clayton Torrence, Corresponding Secretary of the Virginia Historical Society, Miss Mary F. Goodwin, a former historiographer of the diocese of Southern Virginia, and the Rev. W. Leigh Ribble, of Richmond; all of whom, as long-suffering friends, have read the manuscript in a kindly effort to save the author from historical or other pitfalls or errors into which he might unintentionally have fallen. But, most of all, he would express gratitude to the bishops and council of the diocese of Virginia who, by relieving him of other duties have enabled him to devote the greater part of his time in the past few years to the writing of this history.

G. MACLAREN BRYDON.

*Richmond,  
Eastertide, 1947.*



## PREFACE • NOTES

1. Contributions to the Ecclesiastical History of the United States of America. By Francis L. Hawks. Volume I bears the subtitle, "A Narrative of Events Connected with the Rise and Progress of the Protestant Episcopal Church in Virginia." This is commonly called, "Hawks' Virginia Volume." This was the first volume of a series in which Dr. Hawks proposed to cover the history of the Episcopal Church in the other States.
2. Old Churches, Ministers and Families in Virginia. By Bishop Meade. Two volumes.
3. Historical Papers Relating to the History of the Church in Virginia. By William Stevens Perry. Privately printed. Dr. Perry (later Bishop of Iowa) published also in other volumes the records gathered by Dr. Hawks of the colonial Church in Maryland, Pennsylvania and Massachusetts.



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VIRGINIA'S MOTHER CHURCH







# Part I

CHURCH AND STATE

UNDER THE VIRGINIA COMPANY



# The Kings and Queens of England and the Governors of Virginia

*Queen Elizabeth, 1558-1603*

*James I, 1603-1625*

## THE GOVERNORS OF VIRGINIA

Edward Maria Wingfield, President of the Council, April, 1607

John Ratcliffe, President of the Council, September, 1607

John Smith, President of the Council, September, 1608

George Percy, President of the Council, 1609

Thomas West, Lord Delaware, Governor, 1610

George Percy, Deputy Governor, March, 1611

Sir Thomas Dale, High Marshall and Deputy Governor, May, 1611

Sir Thomas Gates, Acting Governor, 1611

Sir Thomas Dale, Acting Governor, 1612

George Yeardley, Deputy Governor, 1616

Samuel Argall, Deputy Governor, 1617

Sir George Yeardley, Governor, April 19, 1619

Sir Francis Wyatt, Governor, November, 1621

*Charles I, 1625 to January 20, 1648/49*

Sir George Yeardley, Lieut. Governor, 1626

Francis West, Elected Governor by the Council of Virginia,  
November 14, 1627

Dr. John Pott, Elected Governor by the Council of Virginia,  
March 5, 1628

Sir John Harvey, March, 1629/30, Deposed by the Council of Virginia,  
1634

John West, Elected Governor by the Council, April, 1635

Sir John Harvey, Governor, April 2, 1636

Sir Francis Wyatt, Governor, 1639

Sir William Berkeley, 1641

Richard Kemp, Elected Acting Governor by the Council in the absence of  
Sir William Berkeley in England, 1644

Sir William Berkeley, June, 1645, to April, 1652, upon surrender of  
Virginia to Cromwell

## *Era of the Commonwealth in England, 1649-1660*

Richard Bennett, Elected by the General Assembly of Virginia, 1652

Edward Digges, Elected Governor by the House of Burgesses, 1655

Samuel Matthews, Elected Governor by the House of Burgesses,  
March, 1657/58.

Sir William Berkeley, Elected Governor by the General Assembly,  
March 23, 1659/60.

## *Charles II, May, 1660 - February 6, 1684/85*

Sir William Berkeley, Appointed by the King, 1660

Francis Moryson, Deputy Governor, 1661

Sir William Berkeley, Governor to 1677

Herbert Jeffreys, Governor, April 27, 1677

Sir Henry Chicheley, Deputy Governor, 1678

Thomas, Lord Culpeper, Governor, May 30, 1680

Nicholas Spencer, President of the Council, Acting Governor,  
September, 1683

## *James II, February, 1684/85, fled, and abdicated the throne December, 1688*

Francis, Lord Howard of Effingham, Governor, April, 1684

Nathaniel Bacon, President of the Council, Acting Governor, April, 1687

## *William and Mary, Elected King and Queen by Parliament, 1688/89*

Francis Nicholson, Lieut. Governor, October 16, 1690

Sir Edmund Andros, Governor, October 15, 1692

## *Queen Mary died December, 1694*

Francis Nicholson, Governor, December 9, 1698, to 1704

## *King William died March, 1701/02*

### *Anne, 1701/02-1714*

George Hamilton, Earl of Orkney, Absentee Governor, 1704-1737  
(Never came to Virginia.)

Edward Nott, Lieut. Governor, 1705-1706



Edmund Jennings, President of the Council; Acting Lieut. Governor,  
August, 1706

Robert Hunter, Appointed Lieut. Governor in August, 1707, but captured  
by the French on his voyage and never reached Virginia

Alexander Spotswood, Lieut. Governor, June, 1710

### *George I, 1714-1727*

Hugh Drysdale, Lieut. Governor, September, 1722

Robert Carter, President of the Council, Acting Lieut. Governor,  
July, 1726

### *George III, 1727-1760*

William Gooch, Lieutenant Governor, September, 1727

William Anne Keppell, Earl of Albemarle, Absentee Governor of Virginia,  
1737-1754 (Never came to Virginia.)

William Gooch, Lieutenant Governor to 1749; Knighted, 1746

Rev. James Blair, President of the Council, Acting Lieutenant Governor,  
1740-1741

John Robinson, President of the Council, Acting Lieut. Governor, 1749

Thomas Lee, President of the Council, Acting Lieut. Governor,  
September, 1749

Lewis Burwell, President of the Council, Acting Lieut. Governor,  
November, 1750

Robert Dinwiddie, Lieutenant Governor, 1751

John Campbell, Earl of Loudoun, Governor of all the American Colonies,  
1756-1763 (Never came to Virginia.)

John Blair, President of the Council, Acting Lieut. Governor,  
January, 1758

Francis Fauquier, Lieut. Governor, June, 1758

### *George III, 1760-1820*

Sir Jeffrey Amherst, Absentee Governor, 1763 to 1768  
(Never in Virginia.)

John Blair, President of the Council, Acting Lieut. Governor, March 1768

Norborne Berkeley, Baron de Botetourt, Governor, October, 1768

William Nelson, President of the Council, Acting Lieut. Governor,  
October, 1770

John Murray, Earl of Dunmore, Governor from August, 1771, until he fled  
from Virginia, from the seat of government in June, 1775

## ARCHBISHOPS OF CANTERBURY • 1607-1800

Richard Bancroft .....	1604
George Abbot .....	1610
William Laud .....	1633-44
.....	1644-60
William Juxon .....	1660
Gilbert Sheldon .....	1663
William Sancroft .....	1677
John Tillotson .....	1691
Thomas Tenison .....	1695
William Wake .....	1716
John Potter .....	1737
Thomas Herring .....	1747
Matthew Hutton .....	1757
Thomas Secker .....	1758
Hon. Frederick Cornwallis .....	1768
John Moore .....	1783

## BISHOPS OF LONDON • 1607-1800

Richard Vaughan .....	1604
Thomas Ravis .....	1607
George Abbot .....	1610
John King .....	1611
George Montaigne .....	1621
William Laud .....	1628
William Juxon .....	1633-60
.....	1644-60
Gilbert Sheldon .....	1660
Humfrey Henchman .....	1663
Henry Compton .....	1675
John Robinson .....	1714
Edmund Gibson .....	1723
Thomas Sherlock .....	1748
Thomas Hayter .....	1761
Richard Osbaldeston .....	1762
Richard Terrick .....	1764
Robert Lowth .....	1777
Beilby Porteus .....	1787

# Introduction

THE most distinctive and unique honor that ever came to the Reverend Richard Hakluyt, D.D., was his appointment as the first rector of James Town by the Virginia Company in 1606.<sup>1</sup> A popular and widely read writer of stories of travel and adventure in far places, Hakluyt had done much to make the people of England world-conscious and to turn their eyes to the western ocean, and what lay beyond. And it must have been with a sense of the fitness of the appointment that the announcement was received that he had been made the rector of the first parish in the land it was proposed to take possession of and to colonize for King and country.

No one expected the aging man to go in person upon an expedition fraught with so much of danger and privation. A church as accustomed as was the Church of England of that day to "pluralities," whereby a priest of the Church was permitted to hold the rectorship, with accompanying salaries, of two or more parishes at the same time, would see nothing strange or unusual in Mr. Hakluyt's acceptance of the rectorship and his sending a vicar to undertake the active work of the charge. That it was an exceedingly happy choice when he selected the Reverend Robert Hunt,<sup>2</sup> vicar of the parish of Reculver in Kent, as his vicar at James Town, all the world knows.

The Church does not appoint rectors of trading posts in foreign lands. One must, therefore, perceive a fundamental difference between the appointment of chaplains by the East India Company to be stationed at its trading posts in India and the East Indies and the appointment of a rector for the colony at James Town. A rectorship involved as an essential element a permanent relationship of authority and responsibility of administration and ministry over a definite stretch of territory and to the people living therein. Again, the land must belong to the king<sup>3</sup> before a parish could be established and a rector appointed. The very fact that this was done at Jamestown was definite and clear indication that the Virginia Company, when it sent out the three little ships, the *Discovery*, the *Goodspeed* and the *Sarah Constant*, in the latter part of the year 1606, was planning to establish in

Virginia not a trading post but a permanent colony as the expansion of England, her people, her customs and her Church.

One cannot read the records of the Virginia Company<sup>4</sup> without sensing an overcrowding of the English cities calling for an outlet for their surplus population. One reads of the City of London paying £500 to the Virginia Company for the cost of transporting 100 boys and girls from its streets to Virginia.<sup>5</sup> In the beginnings of the custom of sending to the colonies felons convicted under the harsh laws of the time<sup>6</sup> may be seen the hope that men and women for whom England had no place might find opportunity for a fresh start and possibility of useful life in the new land.

The emigrants were literally decimated as they came in those early years.<sup>7</sup> The climate, almost unendurable to English constitutions, typhoid fever and malaria, the Indian warfare, all took their heavy toll; but still they came and continued to come until they had won out against adversities and had established a permanent and growing settlement and a stable government. One cannot visualize the picture of the Governor, Lord Delaware, marching in state on Sundays to the Church in Jamestown,<sup>8</sup> in the bitter year of famine, 1610, dressed in full regalia with a guard of honor of fifty soldiers attending him, to worship in the little Church, "made passing fair with flowers," without realizing that he and his fellow colonists were determined to carry on the pomp and ceremonial and all the familiar customs of home, forgetting, in their very performance, the three thousand miles of relentless ocean and envisioning an England that was just out of sight around a corner; and that they were still part of its life. One cannot read the letters which passed between the leaders of the colony in Virginia and the principal men in the Virginia Company in London, nor picture the colonists gathering daily for prayers, and having full service and sermon twice on Sundays and once on Thursdays, without sensing a strong religious faith among them. Nor can one read the long, intensely doctrinal prayer directed to be used daily at the setting of the watch<sup>9</sup> and note there the petition offered "that they might be enabled to lead such upright and wholesome lives as would attract the heathen Indians to the Christian faith," without perceiving that a clear and definite missionary motive was present in the minds of the founding fathers of Virginia. Strongly and clearly expressed in their records was the hope of gathering many souls out of heathenism into the kingdom of God as one of the essentially important motives of their coming.



The experiences of the first years of the colony were tragic. Both in England and in Virginia their leaders were blazing a new and unfamiliar way as they undertook the establishment of a permanent colony. The first step seemed, in almost every case, to be a blunder, or a costly error, which had to be corrected by a change of plans;—and the colonists suffered horribly because of them. It is not pleasant reading for us of today. There are always, of course, the romantic incidents and personages; the landing and worship “under an old sayle”; good Parson Hunt, the peacemaker; the little tomboy Indian princess with her companions, “little wanton boys and girls romping through the streets of Jamestown,”<sup>10</sup> as Hamor called them; Captain John Smith; Alexander Whitaker, the “Apostle to the Indians”; Pocahontas, her baptism and marriage to John Rolfe; the colony saved by a Christian Indian in “the Great Massacre” of March 22, 1721/22; the widow, Cicely Jordan, who threw the colony into a tumult by becoming engaged to marry two men at the same time. Interesting and romantic stories these, but overhanging them all is the dark horror of the Starving Time, the massacre by Indians, and the thousands of deaths;—all the results of unwise planning and faulty administration, and lack of knowledge of the new land. England was taking the first steps along the way that has made her the great colonizing government of the world, and she was learning by making mistakes and profiting by them.

But the time came when, through the welter of blunder and error, Virginia emerged as a settled and well-established colony of the mother-land, with her own representative government; and all the world might perceive that England had planted her standard upon the American shore as an extension of her own race and empire. Other colonies were established later for the direct purpose of enabling certain particular religious groups in England to escape from the enforcement of laws which they felt to be oppressive, and to establish in America settlements in which they could make their own laws according to their own conceptions and ideals. So Massachusetts was established by the Puritans, and, later, on, New Hampshire and Connecticut; Rhode Island by the Baptists; Maryland for the Roman Catholics, and Pennsylvania for the Quakers. But, before any of these religious groups except the Roman Catholics had separated from the Mother Church of England, Virginia was established. Her growth and welfare were the hope and desire of the whole kingdom. It was only because Virginia was an enterprise and adventure of the whole people,

and not of any particular group, that, by the direction of the king to the two archbishops, offerings were asked throughout all England for the starting and upbuilding of a college and university in the plantation across the sea.<sup>11</sup>

The men who founded Virginia were not fleeing from laws that they felt to be unjust. They planned to establish and develop in Virginia a full and well-rounded life as they had lived it at home, leaving behind them nothing of English ways except her ecclesiastical courts and repressive laws. Naturally they expected trade and the amassing of wealth for themselves and for the members and stockholders of the Virginia Company who had made the venture possible. They made the abortive beginnings of ventures in manufacturing: glass, iron, silk, cordage. They brought their religion, as the soul of their race, and never from the beginning was there any idea that their forms of worship should be any other than those of the Church of England, their own Mother Church. They brought their national ways and customs, their ideals of education and culture, and strove for these things in spite of every adverse circumstance.

It was perhaps because of the growing realization that the colony of Virginia was too important an undertaking to be left in the hands of any group of individuals, even more than the quarrels and divisions in the Virginia Company itself, and the king's growing distrust of the loyalty of the Genevan or low-church leaders, that impelled King James in 1624 to dissolve the Virginia Company and take the colony under his own royal control. That, in the long run, it proved to be wise to make Virginia a royal colony in 1624 may be true; but the immediate results were the abandonment of any further effort to organize the University of Henricus with its college and schools, and it placed the welfare of the whole colony under the whims of Stuart kings, who were as blindly disregarding of its true interests as the colony on its part was blindly loyal to its sovereign.

## CHAPTER I • NOTES

1. Captain John Smith's Works, English Students Edition, Vol. 11, p. 958. Anderson, *History of the Colonial Church*, Vol. 1, pp. 168-69.
2. Anderson, *op. cit.*, 1, pp. 168-69; Goodwin, *The Colonial Church in Virginia*, p. 280.
3. Alexander Brown, *The First Republic in America*, p. 7. See, also, Hening's *Statutes at Large of Virginia*, Vol. I, pp. 67-112, for the first charters of the Virginia Company in full. Under these charters, all lands granted to individuals by the colonial authorities were "to be holden of us, (i.e. the king), our heirs and successors, as of our Manor of East-Greenwich, in the county of Kent, in full and common socage only, and not in capite." Theoretically, the Church of England could not establish dioceses or parishes except on English soil, or land outside of England that was owned by the king as lord of the realm and temporal head of the Church.
4. *The Records of the Virginia Company of London*, edited by Susan Myra Kingsbury; four volumes, published by the Library of Congress, two volumes in 1906 and two in 1933-35. These records, or such of them as were available to him in 1898, appear in chronological order, and with running commentary from other sources, in Alexander Brown's *First Republic in America*.
5. Kingsbury, *Records of Virginia Company*, I, 304-07, and elsewhere.
6. Kingsbury, *Op. cit.*, I, pp. 24-25.
7. Brown, *First Republic*, p. 129. "Of 775 people sent to Virginia from 1607 to 1609, Lord Delaware found only about 200 when he arrived at Jamestown on June 10, 1610."  
P. 285. "From December, 1606, to May, 1618, there were sent from England to Virginia a total of 1,800 persons. Of these, 100 returned to England, 1,100 died enroute or in Virginia, leaving 600 surviving, according to the census taken December 28, 1618."
8. Brown, *First Republic*, pp. 129-30.
9. Anderson, *History of the Colonial Church*, Vol. I, pp. 499-506; especially p. 504.
10. Wyndham Robertson, *Pocahontas and her Descendants*, p. 2.
11. Anderson, *Op. cit.*, I, 255-56.

# Conditions in The Mother-Country

A KNOWLEDGE of the conditions within the Church of England during the Elizabethan and Jacobean periods is necessary in order to understand and properly to evaluate the ecclesiastical ideals and aims of the founders of Virginia. That the Established Church of the mother-country was to be the established church of the colony is obvious from the beginning. It is obvious from the tenor of the earliest records, which show general desire and intention of both members of the Virginia Company in England and settlers in Virginia, as well as from the legal enactments in the colonial laws. It would perhaps be difficult to point to any enactment of the Virginia legislature as the definite beginning of the status of establishment. It is tacitly recognized from the first meeting of the House of Burgesses in 1619. The Anglican Church was the established Church of England: The colony of Virginia was a part of England; therefore, the established Church of England was the established Church of the colony. But beyond that, one must understand the type of churchmanship of the particular group directly instrumental in the founding of the colony, and its relationship and attitude toward the Church, in order to perceive the ideals which it endeavored to put into effect in the colony.

From the beginning of the reign of Queen Elizabeth in 1558 until the end of the reign of King James in 1624, the Church of England was a welter of conflicting ecclesiastical ideals, and a continuous battleground of different parties.<sup>1</sup> One may distinguish three definitely antagonistic groups within the national Church, each fighting as it were to the death rather than agree to any compromise that would enable them all to live together in unity. The whole period is marked by the bitterness of strife and contention, by intolerance, and the stern enforcement of rigorous laws by the party in power.

The earlier fathers of the Reformation period who had fled to Geneva to escape persecution under Queen Mary had imbibed to the full the ideals of John Calvin both as to theology and to church polity.



Upon their return to England after the accession of Queen Elizabeth, they became inevitably the leaders of the group which desired to carry the Church of England all the way along which Geneva had gone in the casting out of everything which even resembled the Roman Catholic Church—liturgy, apostolic orders and all. This school of thought grew to be very strong in the Universities of Oxford and Cambridge, and in other places of influence and authority. The term Puritan was evolved as the name of the strictest sect within this school; and for years, until after the founding of Virginia, it was the name of a group within the Church. Only later, when the more radical puritans withdrew from the Church of England and carried the name with them did it acquire the sectarian connotation that it has since borne.

—On the other side was the group of utter irreconcilables who refused to accept the Reformation in any part and held firm in their adherence to the Pope and the old papal system. They remained within the Church of England, an element of unrest and dissatisfaction, until after the papal bull of excommunication of Queen Elizabeth and the Church of England in 1570, when they obeyed his orders and withdrew—the first group to depart from the national Church; leaving, at the order of an Italian overlord, the Church to which their forefathers had belonged for a thousand years.<sup>2</sup>

In between these two groups lay the membership of the rank and file of the Church of England. They desired to hold on to the ancient Church of their land and people, casting out those doctrines and customs of the Roman Church which had been superimposed upon the Church of England during the centuries of papal domination. The civil government of England was in the hands of this group throughout the whole period, and laws enforcing the Act of Supremacy of the queen as the temporal head of the Church, and the Act of Uniformity within the Established Church, were administered with such rigor and harshness at times against both papists and ultra-radical puritans as fully to justify the name of persecution. It is entirely within the bounds of possibility that the harshness with which these Acts were enforced was one of the motivating causes of the mildness of their enforcement in Virginia.

The drift of the most radical of the puritans out of the Church began in the reign of Queen Elizabeth but reached its full tide under King James. The first English presbytery was organized secretly as early as 1572.<sup>3</sup> The group first called Brownists or Barrowists, who later took the name of Independents, were most bitter in their persis-



tent attacks upon the discipline and ceremonies of the Church and suffered punishment as a result. It was from among this group that a number fled to Holland and formed a congregation at Leyden, which later on came into the American picture as the Pilgrim Fathers of New England.

But, for the time being, the greater number of the puritans remained within the Church, seeking to establish therein their own ideals. During the whole period, there was constant intercourse between the puritan leaders in the English Universities and Geneva, and many English youths, after completing courses at an English university, went to Geneva for further study.<sup>4</sup> Among those who followed this course was Edwin Sandys, son of an archbishop of York, who later, as Sir Edwin Sandys, held membership in the Virginia Company almost from the beginning and eventually became its executive officer. He was the leading spirit in the formulation, and later the execution, of the policies under which Virginia, after suffering all the early mistakes of its founders, attained a sound position and began to grow.<sup>5</sup> He was a member of Parliament and one of the notable leaders of the puritan party in that body.<sup>6</sup>

This fact of the Geneva influence comes strongly into the picture of the founding and development of the colony of Virginia. Not only Sir Edwin Sandys but the other leaders also of the Virginia Company belonged to the Geneva group, and Genevan principles and ideals of government were clearly and manifestly being set up and strengthened in the successive charters of the Company. During the eighteen years of existence from 1606 to 1624, the Company, which, as first organized, was directly under the authority and control of the king, amended its charter several times, and each amendment increased and enlarged the sphere of independent action of the Company and of the colony. The very names of the four principal settlements in Virginia—James City, Elizabeth City, the City of Henricus and Charles City—must have flaunted themselves before the eyes of the king as more than suggestive of the ideal of the free self-governing city of Geneva. Under the last charter, provision was made for a house of burgesses in Virginia with representatives elected by the voters of every separate "Plantation." The king was aware of this. Perhaps he heard also the remark of Sir Edwin expressing his conviction that "the government of Geneva was made in heaven,"<sup>7</sup> which quite obviously would not sound so pleasing to royal ears. Be that as it may, the time came, in 1620,<sup>8</sup> when the king forced Sir Edwin out of his position as treasurer of the

Company and in 1624 when he secured the annulment of the charter and took the colony of Virginia again under his own charge.

Inevitably the ecclesiastical leadership of the colony was transferred by the annulment of the charter from the puritan party into the hands of the more conservative Church party, and so the Church in Virginia was brought more into line with the great body of the mother Church, both in adherence to the ancient heritage of churchly doctrine and discipline and in a profound loyalty to the king which Virginia, in spite of many royal discouragements, maintained wholeheartedly until the arbitrary actions of King George Third and his parliament forced the dissolution of that tie. But a profound difference, which vitally affected the welfare of the Virginia Church, was that, while the king, as ruler of the realm, took more or less adequate care as regards the civil administration of the colony, he, as temporal head of the Church, seems to have made no provision at all for the religious welfare of the colonists. Under the Company, care was taken at all times to find suitable and adequately fitted ministers to serve in Virginia. There is more than one account in the records of the Virginia Company of the appointment of a committee to investigate the qualifications of a minister applying to be sent to a parish in Virginia. The committee always made careful investigation of his qualifications and made him preach a trial sermon before them as part of their investigation. But, as a royal colony, there was no individual or committee as far as is known to whom the responsibility was committed of selecting ministers to send to Virginia, or to advise with the authorities of the colony as to ecclesiastical problems. Virginia was not, and never was, a part of any English diocese, and no diocesan bishop in England could exercise extra-diocesan authority except and unless specific permission was given therefor by the king; and no king until George I ever gave such authority to any English bishop. The Church in Virginia was left to fend for itself, both in ecclesiastical organization and securing ministers, and also in working out the problems of adapting the old Church to the conditions of a new land.

## CHAPTER II • NOTES

1. A concise account of this period may be found in Anderson, *History of the Colonial Church*, Vol. I, pp. 98-153, entitled, "The Condition of the Church of England at Home Under Elizabeth and James I. A.D. 1558-1625."
2. Anderson, *Op. cit.*, I, 112.
3. Anderson, *Op. cit.*, I, 118.
4. Heylin, *History of the Reformation*, quoted by Alexander Brown, *First Republic*, p. 250.
5. Brown, *First Republic*, 250-51.
6. Because of Sir Edwin Sandy's activity and his leadership of the puritan movement, King James looked upon him as the chiefest enemy of monarchy. Eventually the king, by the exercise of arbitrary power, ordered the Virginia Company to drop Sir Edwin as their executive officer and the Company protested bitterly against his order, insisting upon their right to select their own officers—to which the king replied tersely: "Choose the devil if ye will, but not Sir Edwin Sandys." See Brown, *Op. cit.*, 367.
7. Kingsbury, *Records of the Virginia Company*, IV, 195-96.
8. Brown, *Op. cit.*, 367-69.

# Beginnings

THE greatest and most important event in the history of Virginia, next to the actual settlement itself in 1607, was the ratification by the Virginia Company in London on November 28, 1618, after prolonged consideration, of "The Great Charter of Privileges, Orders, and Laws" under which, for the first time, the Colony of Virginia secured self-government.<sup>1</sup> Sir George Yeardley, the new governor, sailed for Virginia two months later, on January 29, 1618/19. Under the authority of this charter, he called for the election of burgesses in the eleven organized communities in the colony, and set July 30, 1619, as the date of the first meeting of the new legislative Assembly. From the standpoint of this date, one may look backward to ascertain what had been accomplished of permanent worth in the preceding twelve years, with the especial thought in mind of the state of religion and the Church.

It must be obvious to anyone who will make a careful study of the records which remain of the earliest days that the leaders of the enterprise, both at home and among those who crossed the ocean to Virginia, made a constant use of religious terms and expressions which would have been inexpressibly blasphemous if they did not indicate a real religious experience. Not that they planned at any time to make Virginia a theocratic state in any sense; indeed, the sealed instructions given the first colonists outlining their form of government expressly excluded their minister from being elected the president of their governing council.<sup>2</sup> Nor was it to be purely a missionary venture for the conversion of the savages, much as they expressed the hope that the natives might be brought to the Christian faith through the lives and conduct of the colonists. They were planning for the normal life of English freemen, and in almost every set of instructions and letters of advice, or report of conditions in the colony, religion appears as a vital part of life. Their sense of dependence upon God for help and protection, their rules governing worship and moral conduct, their desire for the conversion of the Indians, are very obvious and are expressed with



frankness of speech which sounds strange to the reserved concealment of emotion shown in our speech today.

Unquestionably the sense of their isolation when they first landed in 1607 must have impressed all the more strongly upon them their dependence upon the protection of Providence. As we picture them kneeling for the first time upon Virginia soil at Cape Henry to thank God for their safe arrival, or later on at Jamestown when they held morning and evening prayer, with service and sermon twice on Sunday, one must perceive the value they placed upon the outward expression of religion as indicative of the Spirit within. They worshipped in the open air under the blue canopy of heaven, rigging up a sail over the pulpit on rainy days to keep the parson dry and protect his Bible and Prayer Book. In imagination we see a sail fastened above a Communion Table and a rude chancel rail lashed between two trees as the men came to their first celebration of the Holy Communion. And a chapel was among the first buildings erected after the fortifications of the little town had been completed.

One's heart goes out to "Good maister Hunt," their minister as he goes about his daily duties, his most important one being to act as peacemaker endeavoring to still the quarrels that arose between the members of the Council. The town was burned to the ground by accidental fire within a year, and Parson Hunt lost his books and all his other possessions but still continued uncomplainingly at his task, winning in full measure the gratitude and affection of all the colonists. Then the climate overcame him and he died in the latter part of the year 1608 after a ministry of less than two years.<sup>3</sup>

There is one profound distinction which must be borne in mind when comparison is made between the settlement at Jamestown and the later settlements of Pilgrims and Puritans in Massachusetts. The Pilgrims who came to Plymouth in 1620 were a group of co-religionists who had become a community through years of living together and of sharing the same ideas and aims and enduring a common suffering. They knew each other and understood each other before they came to America. The Puritans who came later were all members of one school of thought and, coming though they did from different parts of England, they shared a common recollection of strict enforcement against them of religious laws and a suffering of persecution which drew them together.

But the men who founded Virginia as the first settlers and those who came in such numbers during the earlier years were drawn from many



parts of England and from many classes of society. The gentleman, the yeoman and the artisan came side by side in the first ships. Inevitably as time passed more and more of the ruder element came and the lesser privileged people from the streets of the larger cities and towns. The Privy Council directed in 1617 that the more pardonable felons be sent to the colonies, and, while many at first were sent to India, some came to Virginia.<sup>4</sup> During the first twelve years, very few women came and the men, or most of them, were denied the refining influence of wives and children. Throughout the first seven years also, all the immigrants came as tenants upon lands owned by the Company. No one was given land of his own until 1614, but all men worked for the common store, with the resultant loss of initiative and responsibility for individual effort that might have been hoped for.

Any man or woman in our life of today who has been compelled to live for any length of time in a "new" town of people newly brought together from different sections, and who has seen the misunderstandings and quarrels between neighbor and neighbor which inevitably arise, and the painfully slow process by which, even under the best available influences, the inhabitants gradually grow together into mutual understanding and community consciousness, will understand, perhaps, how difficult from a social standpoint conditions must have been in the crude little town of Jamestown during the first years. Inspired they may have been with a vision of the great thing they were undertaking, but each one looked at a common vision from his own point of view, and no one understanding his neighbor's way of looking at it. Inevitably there was soon a chip on every shoulder, and Parson Hunt was tried to the uttermost in seeking to calm angry spirits and still the constantly recurring strife.

After Mr. Hunt's death matters must have grown steadily worse. Owing in a large measure to the slowness of communication, it was more than a year before other ministers arrived. And in that time the great horror of the "Starving Time" occurred, in which there was no food at all to be had and men died like flies, forgotten, as it must have seemed to them, of both God and man.

The situation of the colony by this time had become intolerable, and this was due to the inescapable mismanagement of government resulting from provisions in the charter under which the first years were spent. The colony during this period was under the direct control of the king, but the actual administration within the colony itself had been in the hands of a president elected from year to year by the coun-

cil at Jamestown. Because of this fact and the quarreling between the members of the Council itself, there was frequent change and no continuing authority which could have impressed itself sufficiently upon the settlers to win their entire allegiance. A mal-administration which caused a constant fear of lack of food forced the colonies to fight the Indians for corn and promptly turned into active bitter enemies those whom they had at first every incentive to treat as friends. The Starving Time was the crowning point in a policy of government which had brought the whole colony to the point of ruin and destruction in spiritual as well as moral collapse.

The Virginia Company in London secured in 1609 a new charter by which the administration of the colony was placed under the Company itself. A new and stronger form of government of the colony was immediately prepared and the personnel of the first administration thereunder selected. Lord Delaware was to be the first governor of the colony and Captain General, Sir Thomas Gates Lieutenant-General, and Sir George Somers Admiral. A fleet of nine ships were sent at once with Sir Thomas Gates and Sir George Somers in command, carrying nearly five hundred fresh settlers and much supplies, and, above all, the instructions for putting the new government into force. The fleet sailed from Plymouth on June 18, 1609, but yellow fever and the London plague developed on some of the ships and many died. A terrific storm, lasting for days, arose when they neared Bermuda, causing the loss of one ship with all on board, and the wrecking of another, the "Sea Adventure," which carried Sir Thomas Gates and the instructions for the new government. Six of the ships reached Jamestown in late August and early September with the supplies, and such of the colonists as had survived the journey, but Sir Thomas Gates cast away on the Bermudas had to wait for several months while his sailors were constructing a couple of smaller boats. They arrived finally at "Algernoun Fort" at the mouth of the James River on May 21, 1610, and two days later at Jamestown, less than three weeks before the arrival of Lord Delaware, who had been sent out from England when the news arrived late in the winter that presumably Sir Thomas Gates had been lost along with his ship and the instructions for the new government.<sup>5</sup>

But many things happened in those eighteen or nineteen days between the arrival of Sir Thomas Gates and the coming of Lord Delaware. The Rev. Richard Bucke was on the "Sea Adventure" and arrived with Sir Thomas. Upon their arrival at Algernoun Fort, they

had heard the "heavie news" of the condition of the people at Jamestown.

"From hence," wrote Strachey in his report of the journey, "in two days (only by the help of tydes, no wind stirring), we plyed it sadly up the river, and the three and twentieth of May we cast anchor before James Towne, where we landed, and our much grieved Governour first visiting the church caused the bell to be rung, at which (all such as were able to come forth of their houses) repayed to the church where our Minister, Maister Bucke made a zealous and sorrowful Prayer, finding all things so contrary to our expectation, so full of misery and misgovernment. After service our Governour caused me to read his commission, and Capitaine Percy (then President) delivered up unto him his commission, the Old Patent, and the Councill Seale."<sup>6</sup>

He found that of the total number of 775 settlers sent to Virginia since the beginning in 1607, there were less than one hundred survivors. And, although he brought with him nearly 150 new settlers, conditions were so terrific in the minds of the old settlers that they could see no hope. Things seemed to have gone too far for them even to hope for better things. They insisted that the end had come and demanded that the colony be abandoned and they be permitted to return to England. In the face of such an attitude, the case appeared hopeless to Sir Thomas Gates himself, and, under his orders, the town was abandoned and their cannon buried, and the old colonists, worn and spent with all they had undergone, embarked on the two ships and started down the River. As far as they personally were concerned, they were convinced that Jamestown had come to an end. Fortunately, however, before they reached the Bay, the news came that Lord Delaware, the Governor, was even now in Hampton Roads with more settlers and supplies, and they returned with mixed feelings to re-occupy the town. It was not Jamestown that had ended; but the misgovernment and maladministration under the first charter.

For these desolate and homesick people, Lord Delaware from the very first introduced the pageantry in church worship which, out of place as it must have seemed in such crude surroundings, must yet have proven a solace and strength to the colonists. After describing the fortifications of the town, Strachey continues:

"In the midst of the market-place, a store-house, a 'Corps-du-garde' and a pretty chapel, all which the Lord Governour ordered to be put in good repair. The chapel was in length sixty feet, in breadth twenty-four, and the Lord Governour had repaired it with a chancel of cedar and a

communion table of black walnut; all the pews and pulpit were of cedar, with fair broad windows, also of cedar, to shut and open, as the weather shall occasion. The font 'was hewen hollow like a canoa,' and there were two bells in the steeple at the west end. The church was so cast, as to be very light within and the Lord Governour caused it to be kept passing sweet and trimmed up with divers flowers. There was a sexton in charge of the church, and every morning at the ringing of a bell by him, about ten o'clock, each man addressed himself to prayers, and so at four of the clock before supper. There was a sermon every Thursday and two sermons every Sunday, the two preachers taking their weekly turns. Every Sunday, when the Lord Governour went to church, he was accompanied with all the Councillors, Captains, other officers, and all the gentlemen, and with a guard of fifty Halberdiers in his Lordship's livery, fair red cloaks, on each side and behind him. The Lord Governour sat in the choir, in a green velvet chair, with a velvet cushion before him on which he knelt, and the council, captains, and officers sat on each side of him, each in their place, and when the Lord Governour returned home, he was waited on in the same manner to his house."<sup>7</sup>

The two clergymen referred to in this account as dividing the sermons every Sunday were the Rev. Richard Bucke, who came in the ship with Sir Thomas Gates and shared his shipwreck at Bermuda, and the Rev. William Mease,<sup>8</sup> who must have come either in one of the ships of Sir Thomas Gates' fleet, or else with Lord Delaware. The exact date of his coming is not known. Mr. Bucke became the second minister of Jamestown and held that charge until his death about the year 1623. Inasmuch as the Virginia Company's plans as formulated under the new charter provided for the establishment of additional settlements, it would seem quite certain that Mr. Mease had been sent over to become the minister of the first extension of settlement out from Jamestown. This first extension was naturally at the mouth of the river, where a fort had already been established. Mease became its minister and served for ten years, until 1620, when he returned to England.

The first action of Lord Delaware upon assuming the governorship was to reaffirm and put into effect the body of laws brought by Sir Thomas Gates and first issued by him in his brief administration. These laws have been criticized often in succeeding years as having been excessively cruel and barbarous and have even been pointed to without reason as a beginning of active persecution of dissenters from the English Church. On the contrary, when the misgovernment and lawless disorder of the preceding period are taken into consideration, it must



be perceived that exceedingly stern and strictly enforced rules and regulations had necessarily to be put into effect in order to restore order. The charter had specifically given authority for the establishment of martial law whenever necessary and certainly it seemed necessary at this time. The colony was being put under martial law until such time only as government might be recognized and become stable. This effort proved successful, and, the need having passed, the laws within three or four years were ameliorated into the normal regulations of civil government. Writing of them, Alexander Brown says:

"Gates, Dale and Cecil had all served in the Low Countries, and these laws were 'chiefly extracted out of the Lawes for governing the armye in the Low Countreyes'. They seem terrible to us now; but really they were not much, if any, more severe than the Draconic code, which then obtained in England, in which nearly three hundred crimes, varying from murder to keeping company with a gypsy, were punishable with death."<sup>9</sup>

An interesting commentary upon the Laws Divine and Martial has been preserved in "The True Relation of Virginia" written by Ralph Hamor in 1614. Writing of the administration of government and the efforts of the governor to bring order out of chaos, he says:

"It was no mean trouble to him to reduce his people so timely to good order, being of so ill a condition as may well witness his severe and strict imprinted book or articles, then needful with all severity and extremity to be executed, now much mitigated, for more deserved death in those days than do now the least punishment, so as if the law should not have restrained by execution I see not how the utter subversion and ruin of the colony should have been prevented."<sup>10</sup>

It will be of value to let the laws speak for themselves at least insofar as they deal with enforcement of religious duties.<sup>11</sup> As a whole, they make regulations concerning the intimate details of every-day life.

The first seven paragraphs, the tenth and the thirty-third deal with religion.

These laws enjoin religious observances and attitudes with all the strictness of a religious community, as regards attendance upon daily and Sunday services, the strict observance of Sunday, and the respect paid to the minister. The penalty of death was decreed against impious or malicious speaking against the Blessed Trinity or any Person of the Godhead or against the "knowne" Articles of the Christian faith; as also against sacrilege. Blasphemy or extreme profanity was to be severely punished, with death for the third conviction.



Every person living in the colony when these laws were promulgated, and every newcomer, was required to present himself to the minister and give an account of his faith. If the minister should not be satisfied as to the sufficiency of faith, he must require the man to come to him frequently for further instruction in the fundamentals and attend the catechetical meetings every Sunday afternoon and answer such questions as were asked him. The punishment for disobedience to this law was whipping, with increasing amount of whipping for second and later acts of disobedience.

There seems to be nothing in these laws concerning religion which a dissenter from the Church of England, either Roman Catholic or Brownist, could have objected to except the law making the minister of the parish the judge as to the sufficiency of the layman's faith. A minister of unyielding and arrogant insistence upon a strict party interpretation of the doctrines of the Christian faith might make things very hard for any dissenter, either Roman or Puritan extremist. But, as will be shown later, the ministers who were sent to Virginia by the Virginia Company during those early years were very carefully selected men; and every one of them, as far as we now know, belonged to the puritan school within the Church. While these ministers might conceivably have been unwilling to "pass" a Roman Catholic, (if any should have come) as being satisfactory regarding either transubstantiation or the papal system of Church government, they would certainly not object to the beliefs of colonists of the puritan school. It would seem quite certain, in view of the strong and continued effort that Sir Edwin Sandys made to bring the Brownist Pilgrim Fathers from Leyden to Virginia, he would never have consented to send to Virginia any minister who might attempt to enforce a too strict interpretation of conformity or be too prone to enforce hardship or punishment against other interpretations of the Christian doctrines and worship.

CHAPTER III • NOTES

1. This "Great Charter of Privileges, Orders and Laws, under which the first meeting of the General Assembly was held, seems to be hopelessly lost. "The Ordinance and Constitution for a Council and Assembly in Virginia," as readopted and issued on July 24, 1621, would seem to be in general the same as the first Ordinance and Constitution adopted in November, 1918. For this Ordinance of 1621, see Kingsbury, *Records of the Virginia Company*, III, 482-83; Brown, *First Republic*, pp. 292-93; Hening's *Statutes* I, 110-13.
2. Brown, *First Republic*, p. 27. See this provision also in the "Articles, Instructions and Orders," issued November 20, 1606, under provisions of the first charter. Hening, I, 68.
3. Goodwin, *The Colonial Church in Virginia*, p. 280. Anderson, *Op. cit.*, I, 181-82.
4. Brown, *Op. cit.*, 248-49. Kingsbury, I, 24-25 and footnote.
5. Brown, *Op. cit.*, 86-125, *passim*.
6. Brown, *Op. cit.* 116-17.
7. Brown, *Op. cit.*, 129-30.
8. His name was sometimes spelled "Mayes." It is difficult today to determine which spelling is correct.
9. Brown, *Genesis of the United States*, Vol. II, p. 529.
10. Ralph Hamor's *True Relation of Virginia*. Published in London in 1614. Republished in Force's *Tracts*.
11. See Appendix I for the laws concerning religion. The full title is *Articles, Lawes, and Orders, Divine, Politique, and Martiall for the Colony in Virginia: first established by Sir Thomas Gates, Knight, Lieutenant Generall, the 24 of May, 1610, exemplified and approved by the Right Honorable Sir Thomas West, Knight, Lord Lawair, Lord Governour and Captain Generall the 12 of June 1610. Again exemplified and enlarged by Sir Thomas Dale, Knight, Marshall, and Deputie Governour the 22 of June 1611.*  
These are published in full in Peter Force's *Historical Tracts*, Vol. III.

# The First Ministers

THE two clergymen who came to Jamestown in 1610, Richard Buck and William Mease, were joined in the following year by three others: Alexander Whitaker, Nicholas Glover and ..... Poole. Mr. Poole preached in Jamestown on May 19, 1611, upon the arrival of Sir Thomas Dale as High Marshall of Virginia.<sup>1</sup> After this sermon there is no further record of him. Nicholas Glover, who although an elderly man and well established in England had volunteered to go to Virginia, came in the same ship with Alexander Whitaker. To quote the words of Crashaw concerning him:

"He endured not the sea-sickness of the countrey so well as younger and stronger bodies; and so, after zealous and faithful performance of his ministeriall dutie, whilst he was able, he gave his soul to Christ Jesus (under whose banner he went to fight, and for whose glorious name's sake he undertooke the danger), more worthy to be accounted a true Confessor of Christ than hundreds that are canonized in the Pope's Martyrologie."<sup>2</sup>

Both Glover and Poole doubtless died within a few months of their arrival. Like so very many of the immigrants who arrived in the spring months of the year, they did not survive the heat, mosquitoes, and typhoid fever of the first summer.

The first movement of expansion out from Jamestown was the development of a settlement near the mouth of the James River at the Indian town of Kecoughtan (or Kickotan), in the neighborhood of Fort Algernoun already in existence at Point Comfort. During its first decade, from 1610 to 1620, Kecoughtan was perhaps more an outpost of defense against the attack of European enemies than an actual town. But within that time the settlement as a town was shown to be of greater importance than its continuance as a fortification, and along with the change of character the name was changed to Elizabeth City. The Rev. William Mease served as its minister from 1610 to 1620.

The second step was taken in 1611. Having restored Jamestown to better order and strengthened the outer fortification by the establishment of Kecoughtan, Sir Thomas Dale proceeded to carry out his principal objective of removing the seat of government and center of

settlement of the colony from the low and unhealthy island of James City. The experience of four years in that unhappy town showed the necessity of a location on higher land in the upper reaches of the River, where the fresh water was uncontaminated by the brackish water of incoming tides, and the freedom from surrounding swamps would insure better health just as the greater distance from the coast would give greater protection from the constant dread of attack by Spanish warships.

The site selected for the new settlement was a peninsula five miles long having a neck of about two hundred yards in width where the James River bent back upon itself in one of its numerous bends or "curls." By erecting a line of pales from the river above to the river below the neck, they secured a site protected on all sides. Here they built a town which they named "The City of Henricus," in honor of Prince Henry, the Prince of Wales.<sup>3</sup> They erected three streets of houses and a church building as the beginning of the new settlement. In order to provide sufficient terrain for farming operations and feeding of live stock, a stretch of territory, containing twelve square miles immediately opposite the little town, was paled in on the south side of the river. This line of pales ran in a sort of semicircle from the river above to the river below, and at five fairly distanced points along this line of pales, watch-towers or forts were erected. At one of these forts, appropriately named "Mount Malado," a "guest-house for sick people" was established and equipped with beds and nurses—the first hospital ever established in English-speaking America.

The Reverend Alexander Whitaker came with Sir Thomas Dale when he sailed up the river with his 350 settlers<sup>4</sup> to mark out and erect the town and its fortifications, and he remained as the first rector until his death by drowning six years later. So he became the first of the long line of rectors and incumbent ministers of the parish, which has ever since called itself by the name of this first settlement, Henrico Parish.

In further carrying out of his plan of extension, the territory between the City of Henricus and the mouth of the Appomattox River was cleared of Indians and fortified by a line of pales extending from the pales protecting Henricus directly southward to the Appomattox River. Within this protected section, the settlement of Bermuda Hundred was established; and for the time being, and for particular reasons, Alexander Whitaker was made rector of this settlement, also having, after a short time, another minister, the Rev. William Wickham, as his curate.



To these three ministers, therefore, Richard Buck at Jamestown, William Mease (or Mayes) at Kecoughtan, and Alexander Whitaker at Henricus and Bermuda, the spiritual welfare and leadership of Virginia was committed during the formative years 1610 to 1617, when the colony was coming out of the stagnation of the first days and taking the form under which it finally developed.

Concerning William Mease, we know very little beyond the fact that he served as the first minister of Kecoughtan for ten years and then returned to England.<sup>5</sup> Kecoughtan was of great importance from the standpoint of the defence of the colony because of its situation at the mouth of the James River and immediately opposite the entrance to the Chesapeake Bay, but the life and growth of the colony and the principal incidents connected with the first days occurred at Jamestown and in the upper settlements.

To Richard Buck was given the privilege of taking part in two notable events which have forever linked his name with the early history of Virginia. He performed the marriage service in the Church at Jamestown when the Indian Princess Pocahontas married Captain John Rolfe, the secretary of the colony, and so cemented a peace between the whites and the Indians which lasted for five years beyond the death of her father, Powhatan, in 1617. Again, Richard Buck was the chaplain of the first meeting of the General Assembly of Virginia in August, 1619—the first legislative assembly ever to meet in the New World, and today the oldest in existence in America. He continued in his rectorship of Jamestown until his death in 1623 or 1624.

Richard Buck was unquestionably a puritan. He was a graduate of Oxford according to Crashaw,<sup>6</sup> who, being a Cambridge man himself, was not quite sure of the orthodoxy of the Oxford clergy.

"Mr. Buck," wrote Mr. Crashaw, "was an able and painful preacher, of whom I can say the lesse because he was of Oxford and unknowne to me; but of whom I have heard Sir Thomas Gates give a good and worthe testimonie; and he came to the Counsell and to this imployment with the Commendation of a Right Reverend Prelate, Dr. Ravis, Lord Bishop of London."<sup>7</sup>

Certainly, if the puritan custom of giving unhappy Biblical names to their children is any criterion, Mr. Buck was strongly a puritan. The names of his children, all born in Virginia, are worthy of bluest New England. Mara, which means "bitterness," born in 1611 or 1612; Gershom, meaning "a stranger there," in 1614; Benoni, "the son of my



sorrow," born in 1617; and Peleg, born in 1620, meaning "divisions"—"for in his days the earth was divided."<sup>8</sup> One may excuse Benoni. He was unfortunately "the first idiot child born in Virginia."

A very interesting story of Mara Buck appears in court records for 1624. After her father's death, his estate, consisting of several hundred acres of land and a large stock of cattle, was placed in the hands of executors, and the children were placed under the care of different guardians. Mara and Ellnor Sprage, a maid servant in the home of the guardian of one of her brothers, seem to have cut a wide swathe across the field of gossip in the little town of Jamestown. Ellnor got into trouble because she engaged herself to marry two men, and the Council dealt very promptly with her:

"It is ordered that the next Saboth day in the tyme of devine service Ellnor Sprage shall publicly before the Congregation Acknowledge her offence in Contracting herself to two severall men at one tyme: and penently Confessinge her falte shall ask god and the Congregationes forgiveness.

"And to prevent the like offense in others it is ordered that every minister give notice in his church to all his parishioners y<sup>t</sup> w<sup>t</sup> man or woman soever shall use words amountinge to a Contract of marriage to severall parties, though not precise and legall, yet so as may intangle and brede scrouple in their conseynces, shall for such offence undergoe either Corporall punishment as whippinge or other punishment by fine or otherwyse Accordinge to y<sup>e</sup> quallitie of y<sup>e</sup> person offendinge."<sup>9</sup>

The guardians of Mara, Mr. and Mrs. Burrows, were having trouble with the young woman, of the mature age of thirteen. They complained that although at divers times they "had taken great paynes in teaching y<sup>e</sup> said Mara Buck y<sup>e</sup> Bible—she was very dull in taking her learninge." As the matter came out in court, there were two men concerned. They hoped she would marry Mr. Richards, but gossip said that someone from the other side of the river was coming across to run away with Mara. "(Gossip said it was noe smale one but y<sup>t</sup> it was a great one), even Mr. David Sandys, the minister at Hog Island." The end of the story is flat. The court put Mara's guardians under bond to report her matrimonial plans to the executors of her father's estate that they might try to dissuade her, and Mr. Sandys brought suit against some of the gossipers for slander. Thomas Allnut, who had been very active in spreading the story, was ordered to beg Mr. Sandys' forgiveness before the court and to pay 100 pounds of tobacco

at the next court "to go towards the repairs of the church in James City."<sup>10</sup>

Alexander Whitaker, at the city of Henricus, was perhaps the most notable of the three ministers. The son of the Rev. William Whitaker, the head of St. John's College at Cambridge and a celebrated puritan divine and author, the young man had graduated from Cambridge in 1604, and after a promising career for six years in England, had volunteered to come to Virginia.<sup>11</sup> When the Princess Pocahontas was captured by Sir Samuel Argall in March, 1612/13, she was placed under the charge of Whitaker and by him was instructed in the principles of the Christian faith. After a period of months, she made a public confession of the Christian faith and was baptized by her instructor, being given the Old Testament name, "Rebecca." She was the first Indian convert to the Christian faith.<sup>12</sup>

After being settled at Henricus for over a year, Whitaker wrote a description of Virginia, its life and opportunities, in the form of a sermon which was sent back to England and published<sup>13</sup> under the title of "Good News from Virginia." Later, on June 18, 1614, he wrote a letter to his cousin, William Gouge, minister of St. Anne's Blackfriar's Church, in London. Describing his work, he wrote:

"Sir Thomas Dale, with whom I am, is a man of great knowledge of divinity, and of a good conscience in all his doings, both which be rare in a martial man. I marvaile much that any man of honest life should feare the sword of the Magistrate, (i.e. Dale's severe code of laws), which is unsheathed only in their defence. But I much more muse that so few of our English Ministers that were so hot against the Surplis and subscription, come hither where neither are spoken of.

"Every Sabbath we preach in the forenoon and catechize in the afternoon. Every Saturday at night I exercise in Sir Thomas Dale's house. Our Church affairs be consulted on by the minister and four of the most religious men. Once every month we have a Communion, and once every year a solemn Fast. For me, though my promise of three years service to my country be expired, yet will I abide in my vocation here until I be lawfully called from hence."<sup>14</sup>

In this extract Whitaker was referring to the great controversy which had raged during the reign of Queen Elizabeth, and which had sprung up anew under King James' announced determination to "harry the non-conformists out of the land." The extreme puritans objected most strenuously to the use of the surplice and to the liturgical forms of the Prayer Book; and consequently they were unwilling to

subscribe to the Act of Conformity in which they bound themselves to conform to the use of forms of which they conscientiously disapproved. Whitaker's statement did not at all mean that the colony of Virginia had openly turned away from the laws of the Church of England. Over and again, in actions of the Company and in letters of instruction to the governor and council in Virginia, the fact of loyal adherence to the Established Church of the motherland and conformity to its ways had been stressed and emphasized. But he was calling attention to the fact that the temper of the government in the colony was different from that of the king; that, because the puritan influence was so strong in both the Virginia Company in London and among the leaders of the government in Virginia, the question of conformity and the use of the surplice simply was not raised. The authorities were too eager to secure good worthy men of moral character as settlers to be making too strict religious rules of rejection of those who offered to come. Possibly Whitaker did not mean that a non-conformist would be permitted to hold a parish; but he did certainly mean that such a one would not be "harried out of the land" because of refusal to subscribe to the Acts. Perhaps one may see the meaning of his statement more clearly in the fact that the Rev. Henry Jacob, the founder of the first Independent congregation in London about 1616, who was evidently included among those who were driven out through strict enforcement of the law against non-conformists, came to Virginia and died here. There is no evidence that he was permitted to hold a parish in Virginia, but it is clear that he was given sanctuary.<sup>15</sup>

The steadily expanding section from the city of Henricus to the mouth of the Appomattox River had caused the formation within two or three years of Bermuda Upper Hundred covering the country immediately east of Henricus on both sides of the James River, and Bermuda Nether Hundred extending from the Upper Hundred to the mouth of the Appomattox and east of the river junction, and on both sides of the James River. Indeed, the town of Bermuda Nether Hundred was situated on the east bank of the Appomattox and the south bank of the James. Because of the death of Prince Henry, the Prince of Wales, in 1612, the name of Bermuda Nether Hundred was changed to Charles City and the town and surrounding Hundred was developed into the fourth of the original settlements which shortly became the "Four Ancient Boroughs: to-wit, James City, Kecoughtan (which in 1621 had its name changed to Elizabeth City), the City of Henricus, (Henricopolis, whence comes the present-day name Henrico), and

Charles City. The locality still called City Point, now within the present-day City of Hopewell, is the sole surviving reminder of the town of the ancient borough of Charles City; while the present-day County of Charles City still contains the part of the territory of that borough which was on the north side of the James River.

The town of Charles City became practically the capital of Virginia under Sir Thomas Dale and remained so until the Great Massacre of March 22, 1621/22 forced a policy of withdrawing all settlers from the upper Boroughs and Hundreds to the more defensible section around James City.

Captain John Rolfe, writing his "Present State of Virginia" in 1616, shows that the greater portion of all the colonists in Virginia at that time were seated about the forks of the James and the Appomattox. Going a little ahead of the story, it may be said that, under the plans formulated in London by the Council of the Virginia Company, both the university and college, and the East India School, were to be located in this immediate section, the college in the borough of Henricus and the school in Charles City.

As Alexander Whitaker became the first minister of Henricus, so he became also the first minister of Bermuda Hundreds and Charles City. He had 100 acres of land assigned to him as his glebe, whereon he built his own house, and this glebe was located about two miles south of the town of Henricus and within the borough of Henricus. Here he seems to have lived until his lamented death by drowning in March, 1617.

A very interesting figure appears on the scene in Henricus about this time in the person of the Rev. William Wickham. We do not know his university nor when he came to Virginia. The first mention of him is in Rolfe's "Present State of Virginia." As quoted in "Purchas, His Pilgrimes,"<sup>16</sup> the state of Virginia is described as follows:

"As for the English there now residing (i.e. in 1616); At Henrico and in the precincts which is seated on the north side of the River, 90 and odd miles from the mouth thereof, and within fifteen or sixteen miles of the Falls, being our farthest habitation withinland, are 38 men and boys of which 22 are farmers, Captain Smaley commander in the absence of James Davies (who is now returning), Master William Wickham, Minister.

"At Bermuda Nether Hundred, (seated on the south side of the River, which almost encompasses it, and with a pale on a short neck of land boundeth this peninsula), are 119; These are incorporated to Bermuda



Town which is made a Corporation, according to certain orders and constitutions Captain Yeardley, Deputy Governor lives most here. Master Alexander Whitaker is the Minister.

"West and Sherley Hundred is three or four miles lower on the north side of the River; here are 25 men commanded by Captain Maddeson, employed only in planting and curing tobacco to the public benefit.

"Lower by 37 miles is James Town, where are 50 men under Captain Francis West, brother to the L. La Warre and (in his absence) commanded by Lieutenant Sharp. Master Buck, Minister.

"At Keguoghtan, 37 miles lower, near the mouth of the River are 20. Captain Webbe Commander. Master Mays Minister.

"Dale's Gift is upon the sea near Cape Charles, where are 17 under Lieutenant Craddock. Their labour is to make salt to catch fish.

"The number of the officers and Labourers are 205; the farmers, 81; besides 65 women and children, in every place some. In all 351 persons)."

It would seem from this statement that Wickham was the incumbent of Henricus and Whitaker of Charles City. And yet, there are two facts which bear witness against that. One is that Whitaker seems to have occupied the glebe of Henricus until his death: the other is that in June, 1617, very shortly after Whitaker's death the Governor, Sir Samuel Argall, was writing to Sir Dudley Digges, asking him to request the archbishop to give Mr. Wickham authority to celebrate the Holy Communion. This in itself shows clearly that Wickham was not the incumbent, as an incumbent who could not administer that sacrament would be unthinkable under the Church's law. Wickham, therefore, while he lived at Henricus, must have occupied a subordinate position under Whitaker as his curate or assistant minister.

The question immediately arises why such an arrangement was necessary. The answer of earlier writers dealing with this period has been that Wickham was a deacon and had not yet been admitted to full priest's orders; but when all of the facts are taken into consideration, another explanation seems to be much more credible. The situation, though not the reason therefor, is clearly shown in the notes appearing in the Records of the Virginia Company of a letter sent by Governor Argall to someone in authority in London. Writing under date of June 9, 1617, the notes are as follows:

"Want Minister. Mr. Whitaker being drowned.—Desires Sir Dudley Digges may solicit the Archbishop to give Mr. Wickham power to administer the sacrament, here being no other person."<sup>17</sup>



No action at all seems to have been taken in response to this request. After waiting for nearly a year Argall wrote again on March 10, 1617/18 to the Virginia Company concerning the same matter.<sup>18</sup> This time he is asking in behalf of two men: "Desire orders for Mr. Wickham and Mr. Maycock, a Cambridge scholar, and a person to read for Mr. Wickham (his eyes being dim)." But here again the darkness of lack of record settles down, and one does not know what happened. Did Mr. Wickham continue in his pastoral charge without the desired authorization to celebrate the sacrament? Or was authority given him and to Mr. Maycock? And if so, where did Maycock serve? Wickham seems to disappear from the scene after 1619. Whether his eyes failed entirely or if he died at that time, no one knows.

Samuel Maycock held the position of "scholar" at the University of Cambridge in 1613/14 and must have come to Virginia in or before 1617. He was a man of some importance even though the location of his field of service is not known, because in 1619 the Virginia Company appointed him a member of the Council in Virginia. He was killed by the Indians in the Great Massacre of 1622.<sup>19</sup> He seems to have received a dividend of land in what is now Charles City County or across the river in Prince George County, but there is no definite evidence of the location of the parish in which he ministered.<sup>20</sup>

The greatest objection to the contention that Wickham had received ordination to the diaconate, and that Sir Samuel Argall, in writing as he did, was making request that the archbishop give him authority to administer the Holy Communion, is that Argall would be asking the archbishop to break the law of his church by authorizing a deacon to perform a duty which only a man ordained to the priesthood could perform. And it would not have taken any longer to send the deacon back for ordination to the priesthood than it would take to secure from the archbishop the requested authorization.

The real explanation of the status of both Wickham and Maycock seems to be given in a report made by the Council of the Virginia Company in 1623, showing the condition of the colony in the year 1619. This report states that in 1619 there were in Virginia "three ministers in orders and two without."<sup>21</sup> Quite obviously, in view of Argall's repeated request, the two ministers "without orders" were Wickham and Maycock. One may not infer that they were without any ordination at all, but that they were without the orders of the Anglican Church. Almost certainly, they were ministers of Genevan or Presbyterian ordination. If that were the case, when Governor

Argall requested the archbishop to give these ministers authority to officiate in Virginia, he was asking something which was permitted under the law of the Church of England at that time. The archbishop did have authority to license a minister of Genevan or Presbyterian ordination, upon presentation of proper credentials, to hold a parish in the Church of England, and as such to administer the sacraments. This authority remained in the Church of England until after the Restoration. As a custom made use of because of the colony's need, it continued in Virginia until the latest Presbyterian incumbent of an Anglican parish died in 1710.<sup>22</sup>

## CHAPTER IV • NOTES

1. Brown, *First Republic*, 150. Goodwin, *Colonial Church in Virginia*, 299.
2. Anderson, *History of the Colonial Church*, 2nd Edition, I, 225-26.
3. This name was shortly changed to "Henrico," as a contraction of a presumptive form, "Henricopolis."
4. Anderson, *Op. cit.*, I, 226.
5. Goodwin, *Op. cit.*, 293. His name appears once more. On April 30, 1623, being then in London, he made a statement that he had spent ten years in Virginia. See Kingsbury, *Records of the Virginia Company*, II, 385.
6. Brown, *Genesis of the United States*. Vol. II, p. 835. Goodwin, *Op. cit.*, 256, following the authority of the Cambridge Alumni list, states that Richard Buck was a graduate of Cambridge. But Crashaw in this case would seem to be a better authority.
7. Brown, *Genesis of the United States*, II, 867.
8. See, for the names in the order given, the following passages in the Bible: Ruth I, 20; Exodus II, 22; Genesis XXXV, 18; I Chronicles I, 19.
9. McIlwaine, *Minutes of the Council and General Court of Virginia*, for July 21, 1624, page 15.
10. McIlwaine, *Op. cit.*, 15-16; *Tyler's Quarterly Magazine*, Vol. XIV, pp. 172-73.
11. Goodwin, *Op. cit.*, 40-42; Brown, *Genesis*, II, 614 *et passim*; Anderson, *Op. cit.*, I, 233, *et passim*.
12. Ralph Hamor, Jr., *True Relation of Virginia*.
13. Copious extracts from this sermon are given by Brown, in *Genesis of the United States*, II, 579-88. The sermon can still be secured as a reprint.
14. Purchas, *His Pilgrimes*, Vol. IV., pp. 1770-1771; Goodwin, *Op. cit.*, 41-42.
15. Goodwin, *Op. cit.*, 281.
16. Purchas, *His Pilgrimes, America, the Eighth Book*, III, 947-48; Brown, *First Republic*, 227-28.
17. Kingsbury, *Op. cit.*, III, 74.
18. Kingsbury, *Op. cit.*, III, 92.
19. Goodwin, *Op. cit.*, 293.
20. Kingsbury, *Op. cit.*, IV, 554.
21. Kingsbury, *Op. cit.*, IV, 521.
22. The Rev. Andrew Jackson. He was minister of Christ Church Parish, Lancaster County, for twenty years or more. Goodwin, *Op. cit.*, 281, 331. See Appendix VIII, pp. 531-32.

## Ancient Boroughs and Particular Plantations

DURING the first seven years of the life of the colony there was no private ownership of land. The colonists were sent out by the Company, and all worked, or were supposed to work, for the common weal, division being made to each individual or family according to need. This form of communism failed, as it has always failed, because it took away the strongest incentive to labor, the prospect of personal gain from personal effort and ability. After it was shown to be ineffective, and parcels of land were allotted to individual colonists for cultivation for their own support, a modification was arranged whereby emigrants sent over by the Company<sup>1</sup> became tenants upon the Company's lands and were expected to devote one-half of their labor to the service of the Company, or of the group of adventurers who sent them out, the other half belonging to the emigrant himself. Out of this developed the plan which remained in existence throughout the colonial period, that an emigrant sent over by any person or group, or brought as a speculation by a shipmaster, bound himself to service for a period of years, after which, having redeemed his obligation, he went free.

The first beginning of citizenship free of obligation of service to the Company was made in 1612. When the town of Bermuda (which shortly became Charles City) was established, Governor Dale entered into definite agreement with its inhabitants that, after a period of three years of service, they would become free citizens of the "Incorporation" of Charles City.<sup>2</sup> It does not appear why this freedom was promised to the people of Charles City earlier than to those of Henricus or James City or Kecoughtan. Perhaps it was due to the intention to give that distinction to Charles City because of the plan to make that the capital and center of the colony; but this is purely a guess. The record is incomplete, and one cannot point to the exact date citizenship was extended to the other incorporations. That it was so extended is obvious, and within a short period of years the "Ancient

Planter" in all the Incorporations and other boroughs rejoiced in the ownership of his land, released from all obligations of service to the Company, and as a free citizen of Virginia.

This beginning of freedom was provided for under the charter of 1609. Broadly speaking, that charter made provision for the establishment of additional communities beside Jamestown and looked forward to the granting of land to private ownership, although it was not until 1614 that the first grants of land were made to individuals.<sup>3</sup> While the record does not so state, it would seem probable that these grants were made according to agreement to those colonists and inhabitants of Charles City who had served their three years.

By this time (1614), four separate and distinct settlements had been established—the only four established directly by the Virginia Company and under its complete control. Numerous other plantings of settlers (plantations) were made in later years of the Company's existence by groups of shareholders, but the four first ones stood out among the rest, not only because of priority of date but more especially because in them the Company had full opportunity to express its own ideals of organization and government. They were in very fact the beginnings of Virginia. To them the name was given in all the later records of "the Four Ancient Boroughs," and, sometimes, "four ancient Incorporations."

These four were, in order of establishment, James City, Kecoughtan (which in 1621 had its name changed to Elizabeth City), the City of Henricus, and Charles City.

One must recognize that there was a very definite purpose and aim in the minds of the leaders of the Virginia Company in giving the name "City" to these raw little settlements. In English thought and custom in the seventeenth century, the appellation "city" was never given to a community, however large in population, unless it was the "see city" of a diocese and had a cathedral as the seat of its bishop. As there was not the slightest intention of sending a bishop to Virginia, or of establishing a diocese with a see city, one must look elsewhere than to the authority of English precedent to find the reason for the four "cities" in Virginia.

The explanation seems to be very clear. The group of men with Sir Edwin Sandys as their leading spirit who were formulating the plans and guiding the destinies of the Virginia Company were seeking to create a form of government which would give the greatest degree of autonomy and self-government to the settlers in these new commu-



nities, who to so great an extent would be thrown upon their own resources. Regardless of the question of the degree of loyalty of the radical puritans to the monarchial form of government, the settlers in Virginia were removed by three thousand miles of ocean from their king, as the source of civil authority, and from their bishop as the head of ecclesiastical order and government. They must, consequently, for their own protection and the welfare of their settlements, have as large a degree of authority to govern themselves and to make and administer their own laws as was consistent with their loyalty to both king and Church. Certainly it must have been realized that neither Parliament nor any group of officials of the company living in England could wisely enact laws governing local conditions in Jamestown, because they could not know enough about local conditions; nor could any court in England exercise authority there through lack of jurisdiction.

Sir Edwin Sandys, and his fellow-members of the "Court" or executive committee of the Virginia Company, had the clear political sagacity to perceive that, if their colony was to develop into anything more than a trading post in a foreign land, its people must have the authority to govern themselves. There was no provision for dukedoms, palatinates or baronies with their political powers and civil courts. The plan later developed by the Caroline kings of granting great tracts of American land to favored groups of proprietors, to whom were given semi-regal authority over their "subject" settlers for the sake of the financial returns accruing therefrom, does not seem to have been conceived when either Virginia or Massachusetts was established. The source of their government and the authority of their courts must be found in the settlers themselves, as the owners of their own land, and not as tenants owing fealty and service to overlords who owned the land, and who, in consequence of that ownership, could make laws and establish courts to enforce their edicts.

Such freedom of self-government of and by the people themselves could not be found in any community in England at that time. The evidence as to the source whence he drew his conception of colonial local self-government is to be found in the words of Sir Edwin Sandys himself. "If ever God from heaven," quoth that doughty puritan, "did constitute and direct a frame of government on earth it was that of Geneva."<sup>4</sup>

Sir Edwin, like many another youth of England in his day, had studied at Geneva after completing his course at the University in England, and he knew that community by first-hand experience. From the



theological point of view, it had been the home and sphere of action of John Calvin and was still the center and fountain spring of Calvinism as a school of thought in all of Protestant Christianity. From the point of view of civil government, however, it was a political unit consisting of a town and the suburban territory around it; a self-governing community with civil rulers selected by the people themselves.

So the Virginia Company under Sir Edwin's leadership established cities in Virginia, each city consisting of the town or village with its surrounding suburban territory. And so it was when in 1620 the second colony was established in New England, the conception of the city as a self-governing unit was carried by Pilgrims and Puritans into the colony of Massachusetts, the name only of "city" being changed to "township" and the ideals of self-government in both colonies being the same.

This action of the Company in creating such a form of government, different as it unquestionably was from anything in the mind of King James when he permitted the charter to be granted, yet appears to have been clearly within their power under the provisions of that second charter, of 1609. This will be seen from the following extracts from that charter:<sup>5</sup>

1. The whole territory of Virginia granted to the Company (a stretch of territory four hundred miles in extent along the sea-coast centering at Point Comfort, and extending up into the land "from sea to sea") was given outright to the Company "in free and common soccage and not in capite," the only payment therefor to consist of one-fifth of all gold and silver ore that might be mined within that territory; all military and other forms of personal service to the king beyond the normal allegiance of a freeman to his sovereign were expressly given up.

2. The Council of the Company, as its executive committee, was given the authority to appoint and remove all governors, officers and ministers "which shall by them be thought fit and needful for the government of the said colony and plantation."

3. The Council of the Company was given authority to "make, ordain and establish all manner of orders, laws, directions, instructions, forms and ceremonies of government and magistracy fit and necessary for and concerning the government of the said colony and plantation, and the same at all times hereafter to abrogate, revoke or change, . . . within the precincts of the said colony and plantation, . . . as they in their good discretion shall think to be fittest for the good of the adventurers and inhabitants there."

The powers thus given to the Council of the Company were exceed-

ingly broad; and it is quite certain that the Council, in carrying out their plans under Sir Edwin's leadership, went much farther than King James would have been willing to go, if he had known what was in their minds. It is also quite clear that the power granted by the king to make, ordain and enforce all the laws under which the colonists would be forced to live was used by the Council not to retain power in their own hands but supremely for the settlers and inhabitants themselves and their children, that self-government might be established amongst them.

In the year 1616, a new plan was announced by the Virginia Company. Under the clear realization that the Company itself could not secure financial backing to carry out the whole plan of settlement of the colony, the offer was made to give land in Virginia in definite quantities to individual stockholders, or groups of stockholders, of the Company's stock, dependent upon the number of shares owned. Any such stockholders or group who would undertake to establish a plantation and bear the cost of sending settlers would be given land at the rate of 100 acres of land for each share of stock, with the promise that, when sufficient settlers had been sent out to occupy the land first granted, additional hundreds of acres would be granted, dependent upon the number of persons sent. These new settlements were to be called officially "Particular Plantations," as distinguished from the Ancient Boroughs, but very shortly the name "Hundred" was put into use as the descriptive name of the Particular Plantation, the name being based upon the idea of sending 100 settlers as the necessary minimum. As far, however, as the independence and right of self-government of the particular plantation or hundred was concerned, it was to be upon exactly the same basis as the "city"; each one was to be a self-governing community consisting of the town at the center and the suburban territory around it.

Under this plan, the first particular plantation, Martin's Hundred, was established in 1617, and second, Smyth's Hundred (whose name was later changed to Southampton Hundred), was founded in 1618. The plan continued in effect throughout the whole period of existence of the Company, a total of fifty charters for particular plantations in all having been granted. Because of the withdrawal of scattered settlements after the Massacre of 1622, and by reason of the confusion within the Company itself prior to the loss of its charter, some of these plantations were abandoned after having been started, and some indeed were never actually settled.<sup>6</sup>

By the summer of 1619, when Sir Edwin Sandys' vision of colonial self-government came to fruition in the calling of a general legislative assembly, there were seven particular plantations or hundreds, in addition to the four ancient boroughs, to whom notice of the meeting, and authority to elect two burgesses each, was sent. These were all that had been organized to that date.<sup>7</sup>

This wider form of government of the colony as a whole was to be a legislature consisting of "Two Supreme Councils; I, the Council of State, which was to consist for the present of the Governor and his Counsellors, elected by the Company Court in England; and, II, The General Assembly, which was to consist for the present of the afore-said Council of State, and two Burgesses chosen out of each Town, Hundred, or other Particular Plantation by the people in Virginia."<sup>8</sup> Alexander Brown makes the following comment at this point: "As the laws, etc., of Virginia were required to conform as nearly as may be, to the laws of England, this new form went as near to the government of Geneva as could well be expected."<sup>9</sup>

Attention must be called to a confusion which sometimes occurs in the interpretation of the early records, as concerning the use of the terms "Ancient Borough and Ancient Incorporation." The Ancient Boroughs, which became actually legislative boroughs in 1619, were in each case the "City" and its immediately adjoining suburban territory; whereas the four Ancient Incorporations, as described in 1619,<sup>10</sup> covered the whole inhabited territory of the colony, each Ancient Corporation centering in its original Ancient Borough.

The proclamation issued by the incoming governor, George Yeardley, shortly after his arrival in April, 1619, in which was announced the new form of government, at once presents the fact of this confusion and at the same time shows the need of a change in the interpretation of the bounds of the old incorporations.

It happens that, just a few days before the arrival of Governor Yeardley, the previous governor, Samuel Argall, had issued a proclamation declaring the "Bounds of the Corporation and Parish of James City."<sup>11</sup> They were as follows:

"To all to whom these presents shall come, I, Samuel Argall, Esq., and principal Governor of Virginia, do by these presents testify, and upon my certain knowledge hereby do make manifest the bounds and limits of Jamestown how far it doth extend every way . . . that is to say the whole Island, with part of the mainland lying on the east side of Argall Town, and adjoining upon the said Island, also the neck of land on the north

part, and so to the further part of Archer's Hope: also Hog Island; and from thence to the four mile Tree on the south, usually called by the name of Tappahannock, in all which several places of ground I hereby give leave and license for the inhabitants of Jamestown to plant as members of the corporation and parish of the same. In witness whereof, I have hereunto set my hand the 28th day of March, in the year of our Lord 1619, and on the twelfth year of the Plantation."

This description of the boundaries of Jamestown makes it very clear that the corporation of James City consisted of the town of Jamestown upon what was then an island, and the suburban territory on both sides of the James River, extending two or three miles to the north, west and east on the north side, and as far as "four mile tree" on the south side, the very name of the tree giving its own information as to its distance from town. This description of the size of this ancient borough must be borne in mind when considering the description given of the bounds of the "Incorporation or general borough" of James City in Yeardley's later announcements.

As described by Brown, the situation was as follows:<sup>12</sup>

"In order to establish one equal and uniform kind of government over all Virginia, such as may be to the greatest benefit and comfort of the people, each town, hundred, and plantation was to be incorporated into one body corporate, (a borough), under like laws and orders with the rest; and in order to give the planters a hand in governing of themselves each borough had the right to elect two burgesses to the General Assembly. These plantations were laid out in four large corporations or general boroughs as follows:

"I. The City of Henricus included Henrico (Farrar's Island), extending thence on both sides of James River to the westward, the pale run by Dale between the said river and the Appomattox River being the line on the south side.

"II. Charles City. From the said pale, including the neck of land now known as Jones Neck, eastward, down James River, on both sides, to the mouth of the Chickahominy River.

"III. James City extended down both sides of the river with the same bounds near the river as the present James City and Warwick Counties on the north side, and as the present Surry and Isle of Wight Counties, or it may have extended to the Elizabeth River on the south side, as the south bounds are not definitely stated.

"IV. 'The Burrough of Kiccowtan' extended from James City corporation to the bay.

"The following 'towns, hundreds and plantations' elected burgesses.



"I. The corporation of Henricus was then only one 'burrough'.

"II. The corporation of Charles City contained five boroughs which chose burgesses; but those from Martin's Brandon were not allowed, thus reducing the number to four.

"1. The old plantations of Bermuda Hundred, Sherley Hundred and Charles City, uniting,—

"2. Smythe's Hundred.

"3. Flowerdieu Hundred.

"4. Captain Ward's Plantation. The last three were new plantations, the last two having just been settled.

"III. The Corporation of James City, also, contained four boroughs.

"1. James City. 2. Argall's Gift. 3. Martin's Hundred. 4. Captain Lawnes' Plantation. The last two boroughs were new plantations recently settled.

"IV. The corporation of 'Kiccowtan' was then only one borough."

The need of these larger incorporations or general boroughs had become evident just as soon as burgesses were to be elected by the people themselves. This arose from the fact that, in addition to settlers now being sent out by the Virginia Company, and by the groups of stockholders who had established particular plantations, individuals, stockholders and others, were beginning to come over and acquire holdings of land outside the bounds of any city or hundred, in what was described as the "common land," belonging to the Company because not yet assigned to any borough or plantation. It was not permitted for any particular plantation to be located within five miles of a city, or ten miles of the next particular plantation. There were, therefore, large tracts of unoccupied territory with occasional settlers living therein. This unoccupied land and the scattered settlers must be brought under some form of governmental authority and be given the same rights of sharing in the election of their representatives as the citizens living within the several boroughs. Possibly the use of the term, "general borough," indicates that these scattered land-owners and settlers might vote in the "City," and so all the land outside the hundreds and particular plantations held to be part of the "suburbs" of the "City," even though some other borough of hundred or particular plantation should intervene between the settler's residence and the city of his particular residence and vote. This, however, is not clear from the records now in existence.

These larger Incorporations justified their existence all the more strongly as time went on and especially after the charter of the Vir-



ginia Company had been abolished and Virginia had come directly under the Crown as a royal colony. The rapid spread of incoming population began to fill up the territory between the various boroughs, and it soon became evident that the larger division of territory as a unit of governmental and civil administration would prove more desirable than the smaller units of particular plantations.<sup>13</sup> Consequently, the four ancient corporations were increased in number to eight "Shires" in 1634, and this name was soon changed to Counties. These eight shires or counties covered the whole inhabited territory of Virginia, and from them all the present counties of the commonwealth have come by division. The impressive fact remains true that the four independent self-governing "Cities" established as the Virginia of the first settlement have continued to the present day as self-governing communities; each one at first a borough consisting of the town and its suburban territory; then as a Corporation or General Borough; then as a shire; and then as a county. And so they exist today, still bearing their original names of James City County, Elizabeth City County, Henrico County and Charles City County, and still continuing, as they have done at every election since 1619, to elect their burgesses or representatives in the General Assembly of Virginia.

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#### CHAPTER V • NOTES

1. Kingsbury, *Records of the Virginia Company*, III, 99-100.
  2. Brown, *First Republic*, 194, 209-10.
  3. Kingsbury, *Op. cit.*, I, 34.
  4. Kingsbury, *Op. cit.*, IV, 194.
  5. See Hening's *Statutes*, Vol. I, pp. 80-98, for the charter of 1609. The particular articles quoted here are VI, XII and IV.
  6. A fuller study of the rules governing the formation and administration of the particular plantations should prove interesting. The instructions given to Governor Yeardley in November, 1618 (Kingsbury, *Op. cit.*, III, 90-108); the form of a patent, III, 592-98 (which is really the charter of Martin's Hundred); and the voluminous records of Berkeley Hundred in this third volume of Kingsbury, which can best be found by the index, will well repay examination.
- From a romantic standpoint, the most interesting hundred planned for Virginia failed of accomplishment. The group of stockholders (Adventurers) who had taken the lead in gathering, selecting and sending worthy young women to Virginia to become the wives of colonists, determined to memorialize their efforts, and at the same time secure to themselves the proper amount of land due to them for sending so many emigrants to Virginia, by the establishment of a particular plantation, to the town at the center of which they proposed to give the name of Maidstown. The plan was approved by the

Company and the charter granted in 1622, but the difficulties into which the Company fell, leading to the final abolition of its charter in 1624, brought their plan to ruin. See Kingsbury, II, 26.

7. The names of these eleven legislative districts which elected burgesses were: (1) Henricus. (2) Charles City. (3) Argall's Gift. (4) Flowerdieu Hundred. (5) Smythe's Hundred. (6) James City. (7) Lawne's Plantation. (8) Martin's Brandon.\* (9) Captain Warde's Plantation. (10) Martin's Hundred. (11) Kiccowtan.

\*The representatives of Martin's Brandon were not allowed to serve because the charter of that plantation was not in line with the other charters. See McIlwaine, *Journal of the House of Burgesses of Virginia*, p. 7.

8. Brown, *Op. cit.*, 309-13.
9. Brown, *Op. cit.*, 310.
10. Brown, *Op. cit.*, 314.
11. Brown, *Op. cit.*, 287.
12. Brown, *Op. cit.*, 313-14.
13. The cultivation of tobacco, upon which the growth of the Colony was forced to depend, required large farms. This led to the development of the county as a unit rather than the township or particular plantation.

# The Parishes and the Ministers Who Came

"THEY have builded many pretty villages, faire houses, and Chapels, which are growne good Benefices of 120 pound a yeare, besides their own Mundall Industry. But James Towne was 500 pounds a yeare as they say, appointed by the Councell here, allowed by the Councell there, and confirmed by the Archbishop of Canterbury, his Grace Primate and Metropolitan of England, an. 1605, to master Richard Hacluit, Prebend of Westminster Who by his authority sent master Robert Hunt an honest religious and courageous Divine; during whose life our factions were oft qualified our wants and greatest extremeties so comforted that they seemed easie in comparison of what we endured after his memorable death."<sup>1</sup>

So wrote Captain John Smith in his later years, as he looked back to the settlement in 1607 under the first charter and recalled the plan of organization under that charter, whereby the first permanent settlement of Englishmen in America became also the first established parish of the Church.

The plan of settlement, as determined upon under the charter of 1609, made equally definite provision for the Church's organization. Each one of the cities was to be a parish. John Rolfe, in his report of the "Present State of Virginia" in 1616,<sup>2</sup> was as careful to report the name of the minister of each one of the four places as he was to give the name of the civil commander. Governor Samuel Argall, on March 28, 1619, in making official announcement of the boundaries of James City, speaks of it as "The Corporation and Parish of James City,"<sup>3</sup> showing that the parish was coextensive with the corporation and had definite bounds of responsibility and spiritual administration. When the plan of settlement widened to permit the establishment of particular plantations and hundreds, it seems to have been understood with equal definiteness that the plantation or hundred was to be a parish with bounds coterminous with its civil boundaries.

The Company was very generous in its treatment of both city and particular plantation as regards endowment, so to speak, of the offices

of both civil officials and the minister. In each city, 1,500 acres were set aside to be cultivated, the profits to be used to help defray the salaries of civil officers and other expenses of the local government. To each particular plantation, besides the amount of land based on the number of shares of stock of the Company owned, fifteen hundred acres additional were given for the same purpose. In every city and particular plantation alike, an additional hundred acres were given and set aside as a glebe for the use of the minister of that parish.<sup>4</sup> Further provision was made also. The Company sent immigrants to Virginia to become tenants upon the lands set aside for public use in the cities and expected the adventurers who had established particular plantations to do the same. For the further support of the Church, the Company sent six tenants to work upon the glebe of each city and offered to send three tenants for the glebe of each particular plantation provided the adventurers who had established it would send three more.<sup>4</sup>

Under the general rule adopted, one-half the proceeds of each tenant's work was to be given him for his own share, and the other half went to the owner or holder of the land, whether proprietors of the hundred or the corporation, or the minister, as the case might be. The minister, therefore, received not only a home and a glebe but also a definite profit from its operation as a farm. The first provision made for the minister of each parish was the tithes of the parishioners. His income, therefore, from all sources connected with his parish would amount to about two hundred pounds sterling.<sup>5</sup> It was this profit from the cultivation of the glebe that Captain John Smith had in mind when he declared salaries of clergy to be fixed at £120 (from the tithes) "besides their own Mundall (i.e. mundane) Industry."

The rule that each city and particular plantation should be a separate parish continued in existence during the whole life of the Company. A source of confusion eventually arose in the fact that, whenever the proprietors of any particular plantation should have sent over the full quota of settlers required by the number of shares of stock of the Company owned by them, the area of their plantation was to be increased by the grant of additional land upon the plan of a definite number of new acres for each settler who had remained for three years and for every one who had died before completing that term. Because of this fact, and because settlers were coming of their own initiative in larger numbers into the territory between the particular plantations, the time inevitably came when new parishes had to be formed either by division of old parishes or by the formation of parishes out of new



territory. This problem first comes into the records in the action taken by the General Court of Virginia (which consisted of the members of the upper house of the General Assembly, or the Council of State), on October 10, 1624, shortly after the annulment of the charter of the Company, but evidently before the news of the change had reached the colony.<sup>6</sup> The record is as follows:<sup>7</sup>

"The Counsell at this Courte assembled do conceive that Accordinge to the Companies Charter bearing date y<sup>e</sup> 4th of Maye, 1620 they have researved to themselves the right of patronage of the ministers and parishes of the fower Ancyent Buroughes whereof the corporation of Elizabeth Cyttie is one. And therefore y<sup>t</sup> the parishoners of the saide Corporation are not of themselves to elect a minister but y<sup>t</sup> the choyse of y<sup>e</sup> minister shall remane to the Company, or to such as in their right shall be awthorised.

"Whereas M<sup>r</sup> Robert (George) Keth was minister of y<sup>e</sup> Corporation of Elizabeth Cyttie, voluntarilie removed him self from his Cure and Charge and placed him selfe minister at Martens Hundred, after w<sup>ch</sup> tyme M<sup>r</sup> White was made minister of y<sup>e</sup> Corporation of Elizabeth Cyttie and M<sup>r</sup> White being dead. S<sup>r</sup> Francis Wyatt Knight beinge Governor. Appointed M<sup>r</sup> Jonas Stogden to be minister of parte of the said Corporation in regard y<sup>e</sup> said parish is much enlarged. Now it is ordered at this Court y<sup>t</sup> all y<sup>e</sup> inhabitants between Hampton river and Capt. Tuckers Creek for every male hed above xvi yeer shall pay to M<sup>r</sup> Stogden 10<sup>li</sup> of Tobacco and 1 bushell of Corne, this present Cropp. And that all other Controversies Concerning the devidinge of the Parishes shall stand as now it doth untill it be decided by A general Asseble or by some other lawfull heeringe."<sup>8</sup>

One may see in this action the beginning of the transition whereby the authority to form new parishes was transferred from the Company to the General Assembly of Virginia. The authority also of appointment of ministers to parishes which in this record is shown to be wavering between the governor and the council was eventually placed in the hands of the vestries of the respective parishes.

There seems to be no record of authorization issued by the king under the new government whereby these changes were made. In the course of adaptation of time-honored ecclesiastical ways of the Church of England to the needs and limitations of frontier life, the organization of the colonial Church developed through a transition period to the stabilized forms under which her life has been spent.

The authority for the selection and appointment of ministers to the parishes in Virginia was in the beginning very definite and in full con-



formity with both law and custom in the Church of England. That custom, in brief, going back certainly to the Norman Conquest, gave to the land-owner who erected a church upon his property and set aside lands and tithes for its support the right to nominate to the bishop the priest who was to become the rector of the parish or cure so formed. As time passed, this right of nomination, or advowson, as it came to be called, changed from a purely spiritual right belonging to the successive owners of the soil, or lords of the manor, into an asset with sometimes very definite financial or political value, which could be disposed of by sale or otherwise by the owner. Eventually a great many of the advowsons came into possessions of dioceses or abbeys or monasteries. Upon the dissolution of the monasteries by King Henry VIII, and the sequestration of their property, the advowsons they owned, along with other kinds of property, were distributed with a lavish and generous hand to the universities and other institutions, and to the favorites of the king; or else, were retained in the possession of the crown.

This custom of nomination of a rector by an individual, or institution or other group outside of and in no way connected with the life of the parish, has continued to the present day in the Church of England. The bishop of the diocese has the sole right to induct or institute a minister into the rectorship of a parish, but he cannot institute until the owner of the advowson has selected the minister and nominated him. The bishop may refuse to accept the person so nominated if evidence of unworthiness is shown, and the owner of the advowson must then nominate another. The right of a parish to have a minister is safeguarded by the provision that, if the owner of the advowson shall refuse, for a stated length of time, to nominate a rector, the bishop of the diocese has the right to intervene and appoint and institute a rector of his own selection. But, in neither case, do the people of the parish have any say in the selection of their minister. This is true of the great majority of parishes in England today.

In full conformity with this custom, the Council of the Virginia Company, as the governing body of the Company who held title to all the land in Virginia,<sup>9</sup> selected the Reverend Richard Hakluyt to be the rector of the first parish established in the new colony. Inasmuch as Virginia was not then, and never was, in any English diocese, and had no bishop with authority to induct, the nomination by the Company was made to the archbishop of Canterbury as the Primate of All England, and he "approved" it.

This right to select the ministers remained in the power of the Com-

pany until it made other provision. The loss of the first minute book makes it impossible to know whether or not any definite right was recorded therein as claimed, but the matter is very clearly and definitely stated in the surviving record. The statement of this right, insofar as the cities founded by the Company and all the unassigned land was concerned, and the acknowledgment that the same right belonged to the proprietors of every particular plantation or hundred that had received its dividend of the land, is shown in a "Broadside," or printed and published letter of instructions, sent by the "Treasurer, Councill and Company for Virginia" to "The Governour of Virginia and Councill of Estate there residing." The importance of this statement is greatly enhanced by the fact of its having been printed and published as a "Broadside," instead of merely being sent as a private letter of instructions to the authorities of the colony. The passage is as follows:<sup>10</sup>

"And to the end that the People, both present and to come, may be faithfully brought up in the true knowledge and service of Almighty God, and so learne to frame their lives and conversations, as not onely, not to provoke the Devine indignation, which pursueth the faithless and disobedient soules by sundry kinds of punishment to everlasting destruction: but also by their good example, to allure the Heathen people to submit themselves to the Scepter of Gods most righteous and blessed Kingdome, and so finally to joyne with them in the true Christian profession: We doe hereby ordaine and require, that in every Burrough there be provided and placed at the least one godly and learned Minister, to be chosen in each Particular Plantation by the several Adventurers and Planters; And for the foure ancient Burroughs, to be provided and nominated by us, and our Successors; As also for the Tenants and Inhabitants of the Companies Land wheresoever: Leaving alwaies to the Governour to provide a Minister for his Tenants, and to the Colledge for theirs. All which Ministers and Their Successors, we earnestly pray and require to try themselves with all diligence, to the training up of their charge in the way of righteousness, as the same is now professed, and by Law established in this Church of England, and other his Majesties Dominions, avoiding all factions, and needlesse Novelties, tending onely to the disturbance of peace and unity. And whereas we have ordained heretofore, that one hundred acres of Glebe land be set out and allotted for every Minister, besides other profits out of the Inhabitants encrease: We doe hereby also ordaine, that the said Ministers be furnished, each with sixe Tenants, towards the occupying of his Glebe land; which sixe, for the Ministers belonging to the Publike lands; that is to say, the Governours, Colledges, and Companies Land, shall bee sent and furnished wholly at the common charges of the Company. And for the Burroughs, as well the ancient,

as those of Particular Plantations, the Company is content to furnish out at their charges, three Tenants for each, upon condition that the severall Burroughs furnish out three more: which sixe, for each Minister being once so furnished, the Ministers themselves shall be afterwards charged each to maintain that number at the least, and so to leave them to his Successor."

This broadside was dated May 17, 1620. The records of the Company after this date show a number of cases in which a minister was appointed to go to Virginia; in one case, to the charge of one of the ancient boroughs; in another, the minister is offered to the proprietors of a particular plantation; in every case, in conformity with the rule they had announced.

It has been shown earlier in this chapter that, at the time when the Company was getting into difficulties with the king, the Council of State in Virginia, serving in its capacity as the General Court of the colony, acted with great hesitation, and with due recognition of the right of the Company as holders of the advowson, in confirming the appointment by the governor, Sir Francis Wyatt, of the Rev. Mr. Jonas Stogden (Stockton) as minister of part of the ancient borough of Elizabeth City. Perhaps the noteworthy fact in this case is that the Council, consisting of residents and land-owners in Virginia, were pointedly notifying the governor that he could not, of his own motion, either create a cure or nominate and appoint a minister. At that early date, the gauntlet was thrown down: The right of independent self-government inherent in the ideal underlying the whole plan of settlement of Virginia included the right of the people, acting through their accredited representatives, to nominate their own ministers.

After the loss of the Company's charter and the assumption of authority over Virginia by the king, it must have been felt to be all the more important that the appointment of their ministers should be made in Virginia rather than by the crown. The right having been claimed for Virginia by the Council in the case mentioned, and again in 1628/29,<sup>11</sup> the procedure whereby it came into the power of the parish vestry to elect their own minister becomes obvious. The original provision that a committee of four godly men in each parish be appointed to care for the temporal property and to assist the minister in the spiritual duties of his cure developed into a larger committee or board to handle the matter of erecting and maintaining the church building, to make repairs, and to collect the salary of the minister. This board became the vestry and was selected from the landowners of the parish.



As long as the Company or a group of proprietors owned all the land within a parish, it would be entirely within the bound of precedent that they should select the ministers. But, when territory settled by individuals who held title to their own land was organized into a parish, the land-owners claimed and secured this right for themselves. The organization of the vestry came by slow development, arising out of the conditions and needs of colonial life. But, from the first, the genius of Virginian colonial independence demanded, and won and maintained, the right of ecclesiastical self-government to the extent of the selection of their own ministers and the administration of their own church property. This right was acknowledged nearly a century later by the formal opinion of Sir Edward Northey, attorney general of England, in 1703.<sup>12</sup>

These rights, claimed later by the congregations and parishes of the Anglican Church as they were planted in the other colonies, resulted, at the time of the organization of the Protestant Episcopal Church in the United States of America after the Revolution, in the constitutional right of the lay people of the Church, through their own elected lay representatives in vestry, diocesan convention and general convention, to select their own ministers and take part in the election of their own bishops, and hold a definite share, as the laity of the Church, in the formulation of her doctrine, discipline and worship.

During the life of the Company, great care was taken in the choice of ministers to be sent to Virginia. Clergymen desiring to be appointed were required to make application, and, unless an applicant was well known to members of the Council, a committee was appointed to meet him and report upon his qualifications and fitness for the Virginia field. Usually, the applicant was required to preach a sort of trial sermon at St. Sithe's Church<sup>13</sup> before the committee as part of their investigation.

Some of the ministers so accepted and sent over were assigned to one or another of the four ancient boroughs; some were sent by the proprietors of a particular plantation;<sup>14</sup> some went at their own expense. The extant records covering the years between 1620 and 1624 mention the names of nine clergymen accepted and sent over in those years; but, including those who came in the early days, we have the names of twenty-two who came to Virginia during the administration of the Company. Doubtless others came and died before their names could be recorded as ministering at some particular place. Of the twenty-two known ministers, sixteen can be located as being in charge



of parishes; the places of ministry of six are not known; we know that some of these six died before they could become acclimated; perhaps all six died shortly after their arrival. The table given at the end of this chapter will show, as far as we can now ascertain, where the early ministers served.

THE PARISHES AND MINISTERS IN THEM  
IN VIRGINIA  
UNDER THE VIRGINIA COMPANY  
1607 - 1624

As far as can at this date be shown.

It must be understood that this is intended in no sense to be a complete list. It is simply an effort to locate the ministers who are known to have been sent to Virginia in the parishes which, as far as can now be ascertained, they served. There were other hundreds and particular plantations and, beyond a doubt, other ministers came, of whom no record remains.

JAMES CITY CORPORATION

JAMES CITY PARISH

Richard Hakluyt, Rector  
Robert Hunt, Vicar, 1607-08  
Richard Buck, 1610-24  
Hawte Wyatt, 1626, *circa*.  
Francis Bolton, 1628-33

MARTIN'S HUNDRED PARISH

Robert Paulett, 1619, *circa*.  
George Keith, 1620-( )  
David Sandys, 1625 D. Aug. 1625  
..... Mynnhard, prior to 1628

GOVERNOR'S LAND PARISH

Hawte Wyatt, 1621 *et seq.*

HOG ISLAND

David Sandys, 1624, *circa*.

WARWISQUEAKE PARISH

William Bennett, ( )-1623  
Francis Bolton, 1623-26 *et post*

## ELIZABETH CITY CORPORATION

ELIZABETH CITY PARISH (*or Kecoughtan Parish*)

William Mease, 1610-20

George Keith

Thomas White, 1622-24

Jonas Stockton (or Stogden), 1624-( )

Rowland Graeme, 1628-( )

## HENRICO CORPORATION

HENRICO PARISH (*City of Henricus*)

Alexander Whitaker, 1611-17

William Wickham, 1617-19 (?)

Thomas Bargrave, 1619-21

Jonas Stockton, 1621-( )

Lazarus Martin, 1629-( )

## CHARLES CITY CORPORATION

## CHARLES CITY PARISH

Alexander Whitaker, 1612-17

Samuel Maycock, 1618-21 (?)

## SOUTHAMPTON HUNDRED

David Sandys, prior to 1625

## BERKELEY HUNDRED PARISH

Robert Paulett, 1621-( )

## WEST AND SHERLEY HUNDRED

David Sandys, 1622

Greville Pooley, 1623-( )

## FLOWERDEW HUNDRED\*

Greville Pooley, 1622-29

THE EASTERN SHORE (*Hungars Parish*)

Francis Bolton, 1621-23

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\*This name seems originally to have been Fleurdieu, which was the name of Governor Sir George Yeardley's wife.

Other clergymen who are known or believed to have come to Virginia, who died before becoming acclimated, and of whom no record has appeared:

(Robert, or John) Poole, 1611.

Nicholas Glover, 1611.

Robert Staples, 1621.

..... Pemberton, 1622, (to work among the Indians).

..... Hopkins, 1622. (May have been the George Hopkins, Minister, who died in York County in 1645).

William Leate, 1622.

## CHAPTER VI • NOTES

1. *Captain John Smith's Works*. English Scholars Edition, Vol. II, p. 958.
2. Purchas, *His Pilgrimes*, III, pp. 947-48.
3. Brown, *First Republic*, 287.
4. See Appendix II for the plan established by the Virginia Company concerning glebe land and other lands to be given to the boroughs.
5. Kingsbury, *Records of the Virginia Company*, I, 314, and III, 217.
6. The charter of the Company was "overthrown" by the Privy Council under *Quo Warranto* proceedings, on June 26, 1624. (Brown, *First Republic*, 601-02.) The king appointed a Commission to govern Virginia on July 15, and later issued commissions to a governor and a council in Virginia. (Kingsbury, *Op. cit.*, IV, 491-504.) The official notification of the change of government arrived at Jamestown early in March, 1624-25. (Brown, *Op. cit.*, 614.)
7. McIlwaine, *Minutes of the Council and General Court of Colonial Virginia*, p. 22.
8. Thomas White had a very brief ministry of about two years. The Governor and Council sent a special letter of thanks to the Council in London for sending so useful a minister. Rev. George Keith came in 1617, and held several charges, his last known parish having been Chiskiack Parish in York County in 1634. Rev. Jonas Stogden (Stockham) was one of the most useful ministers of his day in Virginia. He is frequently mentioned in the minutes of the general court as holding offices of trust and was appointed one of the "commissioners" (i.e. justices) of the Elizabeth City court, when that system was established under the royal government. *Minutes of Council and General Court*, for August 6, 1626, and *passim*.
9. In addition to the grant of land made by King James in the second charter, the Virginia Company had acquired title to the land in Virginia which had originally been held by Sir Walter Raleigh by grant from Queen Elizabeth. Sir Walter, in the year 1588-89, had conveyed all his title to Virginia to Sir Thomas Smith and a group of London merchants. Sir Thomas Smith was later the executive head of the Virginia Company from its organization until

1619. Sir Walter Raleigh showed continued interest in the work of the Virginia Company and made a gift of £100 "for the propagation of the Christian Religion in Virginia." This gift, Anderson says, was the first offering avowedly made by any Englishman for such a purpose. See Anderson, *Op. cit.*, I, 76-77.
10. Kingsbury, *Op. cit.*, III, pp. 275-280. The part quoted is on pages 276-277.
11. *Vide* the orders of the general court on March 4, 1628-29, page 189. "At this Court was taken into consideration the placing of Lazarus Martin, Minister, who arrived in 'The London Merchant,' and as yet is not provided for in any cure or charge. Thereupon it was thought fit and accordingly ordered, that he should have the two plantations of the Neck of Land and the College under his care. And for that those places do not contain any sufficient a number of inhabitants as he might expect to yield him a competent meanes proportionable to his pains and ministry it is thought fit if so be the inhabitants and planters shall willingly condescend therein that the dues and tithes in the same be augmented in such proportion as may give him contentment and encourage him to labour diligently in his calling." (This parish thus formed was practically a revival of Henrico Parish, covering, as it did then, the territory on both sides the James River.)
- "Whereas Mr. George Keith did lately arrive, and by his departure from Elizabeth City into England the place he formerly held is already furnished and provided for, whereby he is now destitute of a charge wherein to perform his calling and ministry, the Court hath thought fit to order those new plantations situate between Maries Mount and Waters his Creek be for the time being joined into one parish, and to contribute to the maintenance of Mr. Keith such tithes and duties as shall be belonging unto him."
12. See Perry. *Historical papers Relating to the Church in Virginia*, pp. 127-28.
13. St. Sithe's Church was a small and very old parish church either within or on the border of Cordwainer Street Ward in London. The name was sometimes spelled "Scyth" or "Stith."
- Stow's "*Survey of London*," published in 1598, gives the following description:
- "Now again, on the north side of the high street in Budge row, by the east end of St. Anthonie's Church have ye St. Sithe's lane, so called of St. Sithe's Church (which standeth against the north end of that lane), and this is wholly of Cordwainers street ward: etc.
- "This small parish church of St. Sith hath also an addition of Bennet Shorne or Shrog or Shorehog) . . . wherefore it seemeth to take that name of one Benedict Shorne sometime a citizen and stock-fishmonger of London, a new builder, repairer or benefactor thereof in the reign of Edward II, etc."
- Another link of St. Sithe's Church with Virginia was that Sir Edwin Sandys resided, for a time at least, on St. Sithe's Lane.
14. See Appendix III for extracts from the Records dealing with the selection of ministers to send to Virginia.



# Missionary Endeavor And the College

THE extension of England and England's Church into a new land where, for the first time in seven or eight hundred years, it was thrown into immediate contact with a heathen population, sent a thrill of awakening missionary zeal and enthusiasm throughout the Church of England. This would seem to be clear from the many references to the conversion of the "salvages" appearing in the records of various kinds still remaining of the period of the Virginia Company. That this missionary zeal seems to have died out completely after the dissolution of the Company and assumption of control of the colony by the Crown, only to be revived again nearly a century later by private endeavor, is one of the many grim charges which may be brought against the unhappy custom of permitting religion to be organized into an establishment under control of the State.

When the first charter under which the settlement of Virginia began was being prepared for the royal signature, it was in no sense a mere phrasing of idle words that this statement was inserted therein:

"So noble a work may by the Providence of Almighty God hereafter tend to the glorie of his Divine Majesty in propagating of Christian religion to such people as yet live in darkness and miserable ignorance of the true knowledge and worship of God, and may in time bring the infidels and savages (living in those parts) to human civility and to a settled and quiet government."<sup>1</sup>

In discussing this statement Anderson continues:

"That this was no mere formal statement, but the expression of a feeling which sincerely influenced the minds of many who led such enterprises is evident from the testimonies to that effect which are found in the narratives connected with them. . . . Thus, to cite one instance out of many, the narrator of Waymouth's voyage, in 1605, states that their party refused an invitation, which some of the natives urged upon them, to push their discoveries further, because, as he says, 'We would not haz-

ard so hopeful a business as this was, either for our private or particular ends, being more regardfull of a publick goode, and promulgating God's holy Church by planting Christianity, which was the interest of our adventurers as well as ours.'

"It should be observed also, that before the expedition, which was fitted out under the authority of the above Charter, left England for Virginia, an Ordinance was further passed under the sign-manual of the King, and the Privy Seal, in which occurs the following important declaration:

"That the said presidents, councils, and the ministers, should provide that the Word and Service of God be preached, planted, and used, not only in the said colonies, but also, as much as might be, among the savages bordering among them, according to the rites and doctrine of the Church of England.'"<sup>2</sup>

This thought of the extension of the Kingdom of God through and by means of the extension of the Kingdom of England is persistent through the instructions and letters of the Virginia Company in England and the letters and reports of the leaders of the settlement in Virginia. The religious atmosphere is manifest, and the sense of duty to evangelize the Indians is constant. The long prayer especially prepared, and ordered to be used daily by the soldiers in Jamestown as they went on guard at the setting of the Watch, contains the following petition:

"And seeing that thou hast honoured us to choose us out to beare thy name unto the Gentiles, we therefore beseech Thee to blesse us and this plantation which we and our nation have begun in thy feare and for thy glory . . . and, seeing, Lord, the highest end of our plantation here is to set up the standard and display the banner of Jesus Christ, even here where Satan's throne is, Lord let our labour be blessed in laboring the conversion of the heathen, and because thou usest not to work such mighty works by unholy means, Lord sanctifie our spirits and give us holy harts that so we may be thy instruments in this most glorious work"<sup>3</sup>

There is no way of learning what efforts were made by the settlers themselves in Virginia in the way of explaining the Christian faith to the Indians. The records are lacking; the minute book of the Virginia Company for the first twelve years has disappeared. Quite probably nothing was done in any organized way. As has been suggested, the mismanagement and blundering leadership of the colony in the first years which forced the colonists to fight the Indians and destroy their towns in order to secure corn had produced such enmity between the

two races as to prevent an opportunity for real missionary work. But conditions had improved under Dale's "Martiall Laws" and the settlers were beginning to raise more of their own food. The capture of Pocahontas, her baptism (noted as the first Indian to be converted to the Christian faith), and her marriage to Captain John Rolfe, resulted in an era of peace and good will between the whites and the Indians, which made it possible for the thought of Christianizing them to become a motivating idea. There is no record to tell what success was achieved, but some at least of the Indians became Christians in the years of peace before Opechancanough broke the peace with the Great Massacre of 1622. And it is of record that a converted Christian Indian, Chanco, saved the colony from total destruction at that time by revealing the savage plan to the Englishman with whom he lived.

Perhaps also the sending of certain Indians to England at divers times, warriors to show and be shown and some few Indian boys and girls to be educated, and above all the widely advertised visit of Pocahontas to England after her marriage, and the honors heaped upon her there, attracted the attention of leaders of the Church and aroused a desire for stronger efforts to Christianize the Indians. Certain it is that, during the years 1617 and 1618, the interest was growing and coming definitely to the formulation of plans, which included churches and schools for the Indians and eventually a college for the education of their youth.

In order to put the plan into effect, the king was solicited to make an appeal to the Church of England for funds, and he issued a letter to the archbishops which was the first general appeal for foreign missions ever made in the Church of England. The king wrote as follows:

"Most Reverend Father in God, right trustie and well beloved Counselor, We greet you well. You have heard ere this of y<sup>e</sup> attempt of diverse Worthie men our Subjects to plant in Virginia (under y<sup>e</sup> warrant of our Letters of Patents) People of this Kingdome, as well for y<sup>e</sup> enlarging of our Dominions, as for propagation of y<sup>e</sup> Gospell amongst Infidells: wherein there is good progresse made, and hope of further increase: so as the undertakers of that Plantation are now in hand with the erecting of some Churches and Schooles for y<sup>e</sup> education of y<sup>e</sup> children of those Barbarians w<sup>ch</sup> cannot but be to them a very great charge, and above the expence w<sup>ch</sup> for y<sup>e</sup> civill plantation doth come to them. In w<sup>ch</sup> wee doubt not but that you and all others who wish well to the encrease of Christian Religion will be willing to give all assistance and furtherance you may, and therein to make experience of the zeale and devotion of our well minded Subjects, especially those of y<sup>e</sup> Clergie. Wherefore Wee doe require you,

and hereby authorize you to write y<sup>or</sup> Letters to y<sup>e</sup> severall Bishops of y<sup>e</sup> Dioceses in y<sup>or</sup> Province, that they doe give order to the Ministers, and other zealous men of their Dioceses, both by their owne example in contribution, and by exhortation to others, to move our people w<sup>th</sup>in their severall charges, to contribute to so goode a Worke in as liberall a manner as they may, for the better advancing whereof our pleasure is that those Collections be made in all the particular parishes four severall times, w<sup>th</sup>in these two years next coming: and that the severall accounts of each parish, together w<sup>th</sup> the moneys collected, be retourned from time to time to y<sup>e</sup> Bishops of y<sup>e</sup> Dioceses, and by them be transmitted half-yearly to you: and so to be delivered to the Treasurer of that Plantation, to be employed for the Godly purposes intended, and no other."<sup>4</sup>

This appeal, which seems to have been made in 1617, aroused widespread interest. Report was made in 1619 that nearly £1,500 had been received by the treasurer of the Company. Later it was stated that a thousand pounds had come from the diocese of London alone.<sup>6</sup>

The first deliberations concerning the establishment of a college for the Indians have been lost through the disappearance of the first minute book of the Company, but, quite obviously, discussions had been held and plans debated. By the autumn of 1618, when money given in response to the king's appeal was being received in some volume, these discussions had resulted in a determination to establish in Virginia an educational institution along the line of one of the English universities, to consist of separate and distinct colleges or halls for different classes of students, under one head. The Company very definitely had in mind a college for the sons of the settlers as well as one for the Indians. It went without saying that the time would inevitably come when the sons of the settlers would need and demand a far wider training in the more advanced branches than could have been given with any profit to the rank and file of Indian lads, and provision was made from the first for that need.

When Sir George Yeardley was preparing to start for Virginia in November, 1618, with his epoch-making instructions for the organization of a new government, the following instruction was included:<sup>7</sup>

"And whereas by a Special Grant and license from his Majesty a general Contribution over this Realm hath been made for the building and planting of a college for the training up of the children of those Infidels in true Religion, moral virtue and Civility and for other godly uses. We do therefore according to a former Grant and Order hereby ratifie confirm and ordain that a convenient place be chosen and set out for the plant-



ing of a University at the said Henrico in time to come and that in the mean time preparation be there made for the building of the said College for the children of the Infidels according to such Instructions as we shall deliver. And we will and ordain that ten thousand Acres partly of the lands they impaled and partly of other land within the territory of the said Henrico be allotted and set out for the endowing of the said University and College with convenient possessions."

The plans for the organization and development of the college and university went on apace. The ten thousand acres of land set apart as the seat and for the endowment of the university were located in the corporation of Henrico and on the north side of the James River. This tract extended up to the Falls and included part of the territory now within the present-day city of Richmond.

A committee, which we of today would call a board of trustees, was appointed by the Company, consisting of "choice gentlemen and others of his Majesty's Council for Virginia," to formulate and lay out the plans of development.<sup>8</sup> At a meeting held June 24, 1619, it was decided that the best use to which the money given for the establishment of the college could be put would be to employ it in clearing and planting the ten thousand acres and building tenant houses, and so make the land yield a definite income which could be applied to the maintenance of the college. Settlers were to be sent over to live as tenants upon the college lands on the usual terms; that one-half of the profits of the tenant's labor should go to the college and the other half to belong to the tenant as his hire.

It was determined to send fifty tenants at once under the command of a "captaine," who should be in charge of all the operations upon the college lands and should undertake the erection of the first college buildings. A minister also was to be appointed, and a salary was fixed for him, with further grant of land made for his maintenance. The fifty tenants were to include:

"Smithes	Potters
Carpenters	Husbandmen
Bricklayers	Brickmakers."
Turners	

In the following year, a Captain, or director of operations, was secured in the person of Mr. George Sharpe, who was sent over and continued in charge of the college development until he was slain by the Indians three years later. It was reported at that time that one

hundred tenants had been sent over from England for the college lands during the preceding year.<sup>9</sup>

Additional gifts, large and small, were made for the Christianizing of the Indians. In 1618, Mrs. Mary Robinson, of the parish of Saint Olave in London, bequeathed two hundred pounds "towards the helpe of the poore people of Virginia towards the building of a Church and reducinge them to the knowledge of Gods Worde," and a person unknown gave for the Church founded by this bequest "a Communion cup with cover, a plate of Silver Gilt for the bread, a silke damask carpet, a linen damask Table cloth, and other ornaments, all valued at twenty pounds."<sup>10</sup> An anonymous donor, who called himself "Dust and Ashes," gave a total of £550, and Mr. Nicholas Ferrar, Senior, bequeathed £300; both gifts being intended for the education of Indian children. The gift of "Dust and Ashes" was to be used in educating children taken at the age of seven years, teaching them to read and write, and instructing them in the principles of the Christian religion. Such of these children as should be found capable of taking more extended education were to be sent to the college, and the rest should be apprenticed and taught trades and, at the age of twenty-one years, were to be given the same freedom as that enjoyed by the English settlers.<sup>11</sup> Nicholas Ferrar's bequest seems rather to have been intended for the support of Indian boys in the college.<sup>12</sup>

It was determined to ask one of the older and more strongly established hundreds to assume the duty of taking charge of the Indian boys to be educated under the gift of Dust and Ashes, and Smyth's Hundred (whose name was shortly thereafter changed to Southampton Hundred), was selected. The proprietors of the hundred consented under some pressure to accept this duty but said very frankly that they would gladly give a hundred pounds to the Council to be released from this responsibility.<sup>13</sup>

The church provided for under the will of Mrs. Robinson was ordered to be erected in this hundred,<sup>14</sup> perhaps as a reward for their having accepted the duty of receiving and training the Indian children. It is not quite clear from the records whether this church was to be reserved for the Indians alone or was for the use of both races. Inasmuch as the Indian children to be taken were to be placed in private homes to live with English families, it would seem probable that this two hundred pounds was to be applied upon the construction of a parish church for the use of all the inhabitants of the hundred.

The Great Massacre of March 22, 1621/22 proved a fearful ex-

perience for both the college and Southampton Hundred. Both were practically wiped out by the Indians. The tenants and artisans of the college community were killed, including Mr. Thorpe, and the half-completed buildings burned. Southampton Hundred suffered an almost similar fate of fire and murder and sudden death. For a period after the massacre, the survivors of the whole corporation of Henrico were ordered to be brought down the river because of their exposed situation and resettled nearer Jamestown. This removal, however, did not last more than a year. On May 7, 1623, a report made to the Virginia Company stated:

"In the past four years efforts for the conversion of the Infidels have included the establishment of the College where, in spite of the massacre, there are still sixty tenants, and the work by God's grace will continue."<sup>15</sup>

A still greater obstacle than even the massacre, however, was the unwillingness of Indian parents to intrust their children to the whites for education because of the continuing state of war. The authorities of the colony deemed it necessary for several years after the massacre to make an expedition every summer against Indian towns and burn their fields of ripening grain. This they continued to do until it was thought the power of the Indians was sufficiently broken to prevent any further attacks upon the whites. Nor does there appear any great desire on the part of the English to take the Indian children for education. One may see, in the correspondence of the leaders of the colony after the massacre, a natural feeling of strong resentment and distrust of the Indians because of their cruelty and treachery, and the thought was widely expressed that, in the words of the Rev. Jonas Stockton, "there could be no success in converting the Indians until the medicine men and ancients had their throats cut."<sup>16</sup> In such an atmosphere, it would be manifestly impossible to carry the plans of the education of Indian boys to any early success.

In the meantime, however, a new element coming into the college plans looked directly towards the establishment, in the University of Henrico, of a hall or college for the education of the white youth of the colony. In the year 1621, the Rev. Patrick Copeland, who seems to have been a chaplain or other official of the East India Company, became deeply interested in the work being undertaken in Virginia. By personal solicitation of the passengers of the good ship "Royal James," upon which he had returned from the East Indies, he secured a total of seventy pounds, which he presented to the Virginia Com-

pany to be used for some good purpose in Virginia. He stated, further, that he had written from Cape Bona Speranza (Cape of Good Hope) to factors of the East India Company in the East Indies and expected soon to receive further gifts for this purpose.<sup>17</sup> The total amount given reached eventually the sum of £155.

The Committee to whom the matter was referred by the Company reported in favor of the erection of a school rather than a church:

"They . . . conceived it most fitt to resolve for the erection of a publique free Schoole w<sup>ch</sup> beinge for the education of Children and groundinge of them in the principles of religion, Civility of life and humane learninge served to Carry with it the greatest waight and highest consequences unto the Plantations as that whereof both Church and commonwealth take their originall foundation and happie estate, this being also like to prove a worke most acceptable unto the Planters through want whereof they have bin hitherto constrained to their great costes to send their children from thence hither to be taught."<sup>18</sup>

After accepting these gifts for the school, the Company determined to establish it in the corporation of Charles City, and a grant of 1,000 acres was made to it. Further, it was determined to send an overseer and five tenants to cultivate the school property.

"It was also thought fitt that in honour of the East Indy Benefactors the School should be called the East Indy Schoole, who shall have precedence before any other to preffer their children thither to be brought up in the rudiments of learninge: it was also thought fitt that this as a Collegiate or free Schoole should have dependence upon the College in Virginia w<sup>ch</sup> should be made capable to receave scollers from the Schoole into Scollerships and fellowships as the said College shall be endowed withall for the advancement of Schollers as they arise by degrees and deserts in learning."<sup>19</sup>

Although the Company decided to locate the school in Charles City, they later notified the Council in Virginia that another location might be selected if those on the ground thought a better place could be secured. There is no record, however, of any change of location. As Charles City corporation extended on both sides the James River from the boundary of Henrico to the Chickahominy River, there is no way of telling where the exact location was to be. The Company made earnest efforts to secure a master in order to begin the work of instruction. Failing in one or more attempts, they determined to leave the matter to the Council in Virginia, suggesting that those on the ground might prefer to select their own schoolmaster,<sup>20</sup> especially as,



the money in hand not being sufficient to erect the buildings and carry on the school, the planters themselves who sent their sons to the school would be expected to pay the master's salary.

The last actual step taken in the organization of the college was the appointment on July 3, 1622, of the Rev. Patrick Copeland as rector of the college and pastor of the community of college tenants.<sup>21</sup> But this action was taken just before the Company heard the tragic news of the massacre. The confusion caused by that event, the temporary withdrawal of settlers from the more exposed settlements with consequent overcrowding near Jamestown, the annual campaigns against the Indians for several succeeding summers, made it seem necessary to postpone the opening of both school and college, and Mr. Copeland did not come to Virginia at all. Seemingly, all that could be done was to continue the development of the lands belonging to both institutions in hope for calmer times which would permit their opening as active institutions of learning.

Then the Company was dissolved in 1624, and no further effort seems to have been made under the royal government to open either college or school. The crowning glory of idealism of the Virginia Company, as well as the first missionary movement of the Church of England, died under the apathy of the temporal head of the Church. To do King James justice, however, the fault did not lie so much with him as with his successor. King James died too soon after his resumption of authority over Virginia to enable him to exercise any constructive influence. The blame must rest with King Charles.

## CHAPTER VII • NOTES

1. Anderson, *History of the Colonial Church*, 2nd Edition, Vol. 1, p. 165.
2. Anderson, *Op. cit.*, I, 166.
3. Anderson, *Op. cit.*, I, 501-510.
4. Anderson, *Op. cit.*, I, 255-56
5. The *Records of the Virginia Company* (Kingsbury, Vol. IV, pp. 1-2) gives two alternate dates with a question mark, 1617 and 1623, for the issuance of this appeal. But the instructions given to Sir George Yeardley in November, 1618, mention pointedly an appeal that had already been made by the king; and inasmuch as the effort by the king to take control of the colony out of the hands of the Company for the alleged reasons of strife and mismanagement had already begun in 1623, it would hardly seem likely that in that year he would permit an appeal for general collection of funds to be raised and delivered to the Company.
6. Kingsbury, *Records of the Virginia Company*, Vol. I, p. 220.
7. Kingsbury, *Op. cit.*, III, 102.
8. Kingsbury, *Op. cit.*, I, 231-34. The names of this first board may be of interest. They were:
  - Sir Dudley Digges
  - Sir John Danvers
  - Sir Nathaniel Rich
  - Sir John Wostenholme
  - Mr. Deputy Ferrar
  - Mr. Dr. Anthony
  - Mr. Dr. Gulson
- Mr. John Wroth was added later as assistant to the board.
9. Kingsbury, *Op. cit.*, I, 319, 352.
10. Brown, *First Republic*, 275, 286.
11. Kingsbury, *Op. cit.*, I, 310-11, 318.
12. Kingsbury, *Op. cit.*, I, 335.
13. Kingsbury, I, 318.
14. Brown, *Op. cit.*, 286.
15. Kingsbury, *Op. cit.*, II, 395.
16. Goodwin, *Colonial Church in Virginia*, 309.
17. Kingsbury, *Op. cit.*, I, 532, 538-39.
18. Kingsbury, *Op. cit.*, I, 538-39.
19. Kingsbury, *Op. cit.*, I, 539.
20. Kingsbury, *Op. cit.*, I, 600-29, *passim*; III, 650.
21. Kingsbury, *Op. cit.*, II: 49, 75-76, 91.

# Taking Root

FROM the standpoint of all the later history of Virginia, both civil and ecclesiastical, the first meeting of the General Assembly, July 30 to August 4, 1619, was the high point of the whole scheme of colonization by the Virginia Company. To it the movement led inevitably as the consummation of the plan kept in mind from the beginning—to establish the colony of Virginia as a self-governing unit of the kingdom of England. To this event all later generations also have looked as the beginning of a new ideal of government, which in its steady development and wide out-reach of expansion has grown ever clearer. Developing as it did through the organization of sister colonies having the same ideals, through Bacon's Rebellion and the American Revolution, through the Virginia Bill of Rights, the Declaration of Independence and the Constitution of the United States, it has become an ineradicable determination to preserve and maintain independence, personal freedom and true democracy in our land of America.

Account has been given in preceding chapters of the setting up on the soil of Virginia of forms planned and devised in England by the founding fathers of the colony. The holding of the first General Assembly marked the fact that these transplanted ideals were beginning to show signs of a life of their own. It was a life which would inevitably diverge more and more from the forms and customs of the motherland as it shot out its roots deeper and farther into a new soil; which would develop and strengthen its own individuality into a new racial spirit or genius, as it experienced, on the one hand, the release from pressures which had channeled English life, and, on the other, the strictures of conditions of frontier life, which, in the end, would inevitably influence and channel its own. That Virginia and the other English colonies in America, which together have grown into the great American nation of today, did not remain as colonies dependent for thought and leadership upon the motherland is due to the preservation and development of the little life which took root in Jamestown in that far-off day and started to grow.

It is from the standpoint, therefore, of the life beginning in that event that we must study the history both of Virginia and of Virginia's Church. Many of the conditions established by the Virginia Company continued to exist throughout the colonial period, but the spirit which animated and directed them was the spirit of independent community consciousness which manifested itself in that first Assembly.

One notes with profound interest the evidences of a spirit of independence in the first as well as in the later meetings of the Assembly. They took themselves very seriously as they gathered in Jamestown for that meeting, showing their realization that they were assembled to perform a far-reaching duty. They were taking upon themselves, and making their own, by their voluntary action, the laws and regulations which had been prepared for them by their founders. In a way, they were doing as a community what every child of the Anglican Church is asked to do in coming to the spiritual and sacramental experience of Confirmation by the bishop. So the Colony, having as it were reached years of discretion, "ratified and confirmed," through the representatives chosen by themselves from their several boroughs, and took upon their own shoulders, the responsibility of developing and protecting the democratic ideal of independence and self-government in which they were to find the true and continuing expression of their communal life.

The first Assembly met in a spell of excessively hot weather; so hot that one of the Burgesses died, seemingly of heat prostration, during the meeting. They incontinently closed on the sixth day, leaving many details unattended to which might have enlisted their attention, and the burgesses fled to find elsewhere such relief from the heat as they could. But they had stayed at work long enough to enact the laws which were most necessary for both civil and ecclesiastical government.

One may picture the scene as they gathered in the "Quire" of the Church in Jamestown, unquestionably each in his Sunday best. The governor and the upper house, or "Counsell of Estate," sat with the lower, or House of Burgesses, and both acted as one body.<sup>1</sup> Unquestionably also as many of the population of Jamestown and the surrounding sections were sitting as visitors in the body of the Church as the building would hold; and their feeling of dependence upon divine guidance must have been very real as the chaplain, the Rev. Richard Buck, opened the proceedings with appropriate prayer.

The Assembly immediately showed a sense of their responsibility, as the governing body of the colony, by refusing to seat the representatives



of Martin's Brandon plantation (Captain John Martin's "Divident"), because the charter issued to that particular plantation by the Virginia Company contained greater privileges than were granted in the charters of the other plantations. The Assembly demanded that they be given up;<sup>2</sup> and, great as these extra privileges were, the voice of the Assembly prevailed, not only to the extent of the renunciation of them by Captain Martin but also to the further extent that the Virginia Company hearkened and directed that a revised charter be prepared and issued to every particular plantation to take the place of the earlier one.<sup>3</sup>

The last action of this first Assembly, taken immediately before their adjournment, is very striking as indicating their attitude:

"Their last humble suit is, that the said Counsell and Company would be pleased, as soon as they shall find it convenient, to make good their promise sett down at the conclusion of their commission for establishing the Counsell of Estate and the General Assembly: namely that they will give us power to allowe or disallowe of their Orders of Courte, as his Majesty hath given them power to allowe or reject our Lawes."<sup>3½</sup>

To this request, the Council of the Company, in London, in a re-statement of the form of government in Virginia, dated July 24, 1621, made the following statement:

"No law or ordinance, made in the said general assembly shall be or continue in force or validity, unless the same shall be solemnly ratified and confirmed, in a general quarter court of the said company here in England, and so ratified, be returned to them under our seal; it being our intent to afford the like measure also unto the said colony, that after the government of the said colony shall once have been framed, and settled accordingly, which is to be done by us, as by authority derived from his Majesty, and the same shall have been so by us declared, no orders of Court, (i.e. the quarter-courts of the Company), afterwards, shall bind the said colony, unless they be ratified in like manner in the general assemblies."<sup>4</sup>

The actual journals of these earliest meetings of the General Assembly have not survived the lapse of time. Our knowledge of their actions is derived from reports and appeals prepared by the Assembly and sent to the Company or the king.<sup>5</sup> Meetings were held July-August, 1619, November 1621, February-March 1623/24, May 1625, March 1627/28, October 1629. These meetings prior to May, 1625, covered the critical period in which the charter of the Company, after prolonged criticism and attack, was abolished; and the full control of

the colony passed into the hands of a king who was hostile to Sir Edwin Sandys and all his works and distrusted the whole trend towards independence manifested in the colony. The odds appear to have been strongly against the continuance of any form of self-government in Virginia. Perhaps it was the death of King James within the year that really saved the Virginia Assembly.

The Assembly of 1621 seems to have enacted no laws at all. The reason for this, as reported to have been explained by members of the "Counsell of Estate," was that the laws enacted in 1619, which, according to the requirement, had been sent to London for approval by the Company, had never received such formal approval, and the Assembly was waiting for either official sanction or disallowance. Whether this be true or not, the Assembly seems to have occupied itself with agricultural matters, asking the Company to stabilize its rates on corn, and to send vines and seed of the better varieties of English grain and skilled laborers.

The Assembly of February-March, 1623/24, met after the effort had been begun by the crown to dissolve the Company. Commissioners appointed by the king to investigate conditions in Virginia were in attendance at that Assembly at Jamestown and presented to the Assembly a form of abject surrender to the king couched in the following words:<sup>7</sup>

"Whereas . . . We are given to understand that his Ma<sup>tie</sup> hath signified his gracious pleasure for the universall good of this Plantation (now by reason of o<sup>r</sup> late calamities being in an unsettled estate) to institute another forme of Government . . . and to that end hath required surrender of the present Pattents, . . . : Wee of this General Assembly do by subscription of o<sup>r</sup> names not only professe and testifie our due thankfulness for that his Ma<sup>ties</sup> most gracious and tender care over us, but do for o<sup>r</sup> parts in all humility and willingness submitt o<sup>r</sup>selves to his princely pleasure of revokinge the ould Pattents and of vouchsafeinge his Ma<sup>ties</sup> new Letters Pattents to those noble ends and purpose above mencioned."

The "Answer of the Governor, Counsell & Generall Assemblie to y<sup>e</sup> letter and wrightings of Capt. John Harvey and others delivered to us y<sup>e</sup> 2 of March, 1623," is as follows:

"Wee have presented our humblest thanks to his sacred Ma<sup>tie</sup> for his gracious and tender care over us, and have returned o<sup>r</sup> answers (in due submission) to their Lo<sup>ps</sup> Letters and Orders. When o<sup>r</sup> consent to the surrender of the Pattents shal be required, will be the most proper time to make reply: in the mean time wee conceive his Ma<sup>ties</sup> intention of change-

ing the Government hath proceeded from much misinformation w<sup>ch</sup> wee hope may be altered uppon o<sup>r</sup> more faithfull declarations. Dated March 2, 1623."

The Assembly then very curtly asked the king's Commissioners:

"Since wee conceive not how this last proposition (to w<sup>h</sup> wee have been contented to give an answer) hath had ground from any instructions w<sup>ch</sup> wee have yett seene. Wee desire that before the Generall Assemblie be dissolved (w<sup>ch</sup> will be tomorrow) youe will shew us the depth of yo<sup>r</sup> authority, or otherwise to see itt downe und<sup>r</sup> yo<sup>r</sup> hands that youe have no further Commission or Instrucciones w<sup>ch</sup> may concern us as you have already professed. Dated March y<sup>e</sup> 2, 1623."

And the Commissioners replied:

"Yesterday, att the delivery of our papers wee acknowledged that wee had neither Commission nor instructions to move you to subscribe to that forme of subscription and thankfulness to his Ma<sup>ty</sup>, w<sup>ch</sup> then wee presented . . . What we propounded was out of o<sup>r</sup> discretion, by way of Counsell for the good of this Plantation, not precipitate nor sudden, proper to the time, occasion and Company, and the marke aimed att was no lesse then his Ma<sup>ties</sup> favo<sup>r</sup> uppon o<sup>r</sup> persons and common cause to be obeyned by obedience and thankfulness."

The further records of this meeting of the Assembly consist of strong statements of protest addressed to the king, in which a very highly colored account is given of the condition of the colony under the twelve years' administration of Sir Thomas Smith, ending in 1619, and the great improvement which had come under the present administration of Sir Edwin Sandys.<sup>8</sup>

The convention which met in May, 1625, was not a meeting of the General Assembly at all, because the charter of the Company had been dissolved, and the king, after resumption of authority over the colony, had given no sign indicating his approval of the continuation of a legislative assembly in Virginia. He had, however, in July, 1624,<sup>9</sup> appointed a commission to govern Virginia and had appointed Sir Francis Wyatt as the first governor of Virginia under the royal establishment.<sup>10</sup> The new governor went at once to Virginia. Because of his former experience as a governor of the colony under the Company, he and his Council of Estate in Virginia (likewise appointed by the king<sup>11</sup>) were unwilling to take away from the people their share in the government; and so they issued a call for a meeting of representatives elected by the people of each plantation.<sup>12</sup> Perhaps it was fortunate

for both governor and council that King James died before the news of their action reached London. The convention prepared a petition to the king begging that Sir Thomas Smyth "and his confederates" be not permitted to regain control of the colony, and further protesting against "the late pernicious contract" under which all the tobacco raised in Virginia was required to be shipped to England.<sup>13</sup>

This "pernicious" contract was the forerunner of the Navigation Acts of the reign of Charles Second. Even as early as 1625, the cultivation of tobacco, as the most important marketable commodity raised in Virginia, was being looked upon from the standpoint of its financial value either to the crown or the civil government of England rather than its value to the colony. It is indeed a striking fact in connection therewith that the permission given by King Charles in 1627 to the people of Virginia to call a meeting of their general assembly was due far more to the desire of the king to get the control of the considerable income arising from the tax upon tobacco into his own hands, and away from the control of Parliament, than to any interest in the needs of a far-off colony. As has been said by an earlier writer:

"It was owing to the desire of the King to monopolize the trade in tobacco, and to his thought that this could be probably more thoroughly effected by a law passed by the representatives of the planters than by a proclamation, that the General Assembly was ordered to be convened. This Assembly, however, was by no means inclined to accede to the King's terms."<sup>14</sup>

Having received the royal permission for the calling of this Assembly, of March, 1627/28, the custom began of holding meetings from time to time upon the call of the governor. They have continued to be called and to meet regularly to the present day.

The General Assembly held in 1629 was the first one since 1619 in which, as far as existing records show, any definite enactment in the form of law was adopted. During this ten-year interim, the Council of Estate, being at the same time, as far as personnel was concerned, the upper house of the General Assembly, and also the general court of the colony, issued judgments and directions which evidently were intended to have, and were accepted as having, the force of laws.<sup>15</sup> Protest might have been made by the people of Virginia against such an assumption of legislative authority, but, as far as is known, no such protest was made. Doubtless the people of Virginia realized that their colony was going through a crisis with fearful possibilities of loss of the



independence they had gained, and so they were content to recognize a sort of *de-facto* government of their own without protest, lest reports of dissension and complaint in Virginia should throw them back into the hands of men whom they distrusted and feared.

A study of these laws of 1619 is worth while, from the standpoints both of what they enjoin, and what they omit.<sup>16</sup> From this beginning until the disestablishment of the Church in 1784 and its organization immediately thereafter, in 1785, as the Protestant Episcopal Church of Virginia, the legislature, first of the colony and later of the commonwealth, was the governing body of the Church. The laws dealing with the ministry and the conduct of the services of the Church, as they were adopted in 1619, and were amended, augmented and enlarged at later meetings of the General Assembly, took the place for colonial Virginia of what we are accustomed to in the American Church of today under the form of diocesan constitutions and canons, as differentiated from the constitution and canons of the General Convention. There is this difference, however: that the enactments of the General Assembly had all the force of civil law and ecclesiastical constitutions and canons of today do not.

It is noteworthy, as showing the conditions under which the Anglican Church was introduced into America, that Virginia was not in any diocese and had no diocesan. It could not become a diocese or have a bishop of its own until the king, as temporal head of the Church, ordered that this be done. He alone could establish a new diocese outside the bounds of those already in existence, just as he alone could nominate and appoint its bishop. The General Assembly of Virginia recognized this. At its first meeting, it definitely directed that the services of the Church and the duties of its ministers should be conducted according to the ecclesiastical laws and constitutions of the Church of England, which, in their current form, had been adopted as a revision of older laws by the convocation of the province of Canterbury, in 1603-04, and issued by the king under the great seal of England.<sup>17</sup>

At later meetings, the General Assembly either ordered, or gave tacit consent to, "Instructions" given by the crown to succeeding governors, that the civil duties performed in England by a bishop, as "ordinary" of his diocese, were performed in Virginia by the governor or else by the legislature. These included the probating of wills, the appointment of notaries, the granting of special licenses for marriages. Certain ecclesiastical duties also were performed by the governor because there was no bishop. These were the induction of ministers as rectors of

parishes when presented by their vestries, and the hearing and granting of appeals under the plea of Benefit of Clergy; which plea, during the whole colonial period in Virginia, proved a merciful provision for remission of penalty in the case of a first conviction of felony.<sup>18</sup>

The Church in Virginia, therefore, when the colony first became organized as a self-governing body, was recognized by direct legislation as being under two forms of ecclesiastical law: first, the enactments of the General Assembly in so far as these were concerned with ecclesiastical matters, taking the place of canons which normally should have been enacted by a diocesan organization or ecclesiastical synod; and second, the "Constitutions and Canons Ecclesiaticall" of the Church of England, as adopted in 1603-4, in so far as these could be obeyed by extra-diocesan clergy and laity without a bishop or diocesan organization. It is equally noteworthy that, in these laws of the General Assembly of 1619 there is not a word to indicate any refusal or unwillingness to permit dissenters or non-conformists to enter the colony; or to draw the lines of conformity too strictly. While the Constitutions and Canons Ecclesiastical of 1603 provided exceedingly severe penalties against non-conformity, and although these laws were enforced with great rigor and severity by Archbishop Bancroft and the ecclesiastical courts of England of that day, there is no evidence whatever of any desire or determination, on the part of the General Assembly of Virginia, either then, or at any later period, to enforce these penalties in the colony. As there was no bishop, so there was no provision made for an ecclesiastical court in which such offenses might have been tried.<sup>19</sup>

The Virginia Assembly reflected and supported the attitude of Sir Edwin Sandys and the Council of the Virginia Company. It would seem to be beyond any doubt that the Virginia burgesses knew and approved the efforts of Sir Edwin Sandys to bring to Virginia the Pilgrims at Leyden, who were looking to America for refuge from Leyden as well as from England; and the very silence of the Virginia Assembly upon the subject of conformity would seem to speak aloud their readiness to receive them. Sir Edwin had already received from the archbishop and the king a grudging statement that, although no actual permission would be given to these non-conformists to re-enter the king's dominions, they would not be proceeded against if they should settle in Virginia, "provided they carried themselves peacably."<sup>20</sup> That these pioneers of Independency did not actually come to Virginia was no fault either of the Virginia Company or of the General Assem-

bly. That they started for Virginia is known. Whether it was solely the "act of God" that drove the Mayflower so far out of its course as to land them on the shore of New England, or the influence of the Dutch, trying to protect their colony of New Amsterdam, who preferred to see two weak and widely separated English colonies on the American coast rather than one very much stronger and more populous one, is not within the purview of this history to discuss.<sup>21</sup> Certain it is, however, that other dissenters and non-conformists found haven in Virginia, and peace, after suffering under the enforcement of oppressive laws in the mother land.

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#### CHAPTER VIII • NOTES

1. Kingsbury, *Records of the Virginia Company*, III, 155.  
McIlwaine, *Journals of the House of Burgesses of Virginia*, 1619-1658/59, p. 4.
2. Kingsbury, *Op. cit.*, III, 156. McIlwaine, *Op. cit.*, 4-5.
3. Kingsbury, *Op. cit.*, III, 560-61.
- 3½McIlwaine, *Op. cit.*, 16.
4. Hening's *Statutes*, I, 112-113.
5. McIlwaine, *Op. cit.* See Preface of each meeting and the reports published.
6. Kingsbury, *Op. cit.*, IV, 180. W. W. Hening, the author of Hening's *Statutes at Large of Virginia*, published in 1809, states that no laws were enacted until the meeting of the General Assembly in 1623/24; and he publishes under that date the laws as shown in both the *Records of the Virginia Company* and the *Journals of the House of Burgesses* to have been enacted in 1619. Mr. Hening published his work before the records of the Virginia Company had been made available to students. His statement, therefore, must be revised in view of later discovered evidence.
7. McIlwaine, *Op. cit.*, 40-41.
8. McIlwaine, *Op. cit.*, 21-39.
9. Kingsbury, *Op. cit.*, IV, 490-97, *et seq.*
10. Kingsbury, *Op. cit.*, IV, 501-04.
11. Kingsbury, *Op. cit.*, IV, 503.
12. McIlwaine, *Op. cit.*, preface, p. xxx.
13. McIlwaine, *Op. cit.*, 43-44.
14. McIlwaine, *Op. cit.*, preface, p. xxxi.
15. Kingsbury, *Op. cit.*, IV, 487. McIlwaine, *Minutes of the Council and General Court of Colonial Virginia*, covering the period from 1624 to 1629.
16. McIlwaine, *Journals of the House of Burgesses of Virginia*, 9-11, *et passim*. For the laws governing the Church, moral laws and dealing with the Indians, see Appendix IV, p. 422.

17. Anderson, *History of the Colonial Church*, 2nd edition, I, 141-42.
18. The first record of the claim of Benefit of Clergy in Virginia appears in the *Minutes of the Council and General Court of Colonial Virginia*, under date of January 24, 1628/29, p. 184. William Reade, aged 13 or 14, having been tried before the Court on a charge of manslaughter, the "Jury being impaneled and sworn to inquire of the said Indict<sup>t</sup> delyvered upp there verdict that the said Reade was guilty of manslaughter, whoe being asked what hee had to say for himselfe that hee ought not to dy demanded his clergy whereuppon hee was delyvered to the ordinary," etc. The use of this plea will be discussed later in another volume.
19. See Anderson, *Op. cit.*, I 143-146, for a comment on the severity shown by ecclesiastical courts in England.
20. Brown, *First Republic*, 252, 262, 265-66, *et passim*.
21. Charles and Mary Beard, *The Rise of American Civilization*, p. 47. "Indeed it must not be forgotten that the Pilgrims originally arranged with the Virginia Company to settle on its soil, and that the prospect of securing the accession of this new group of recruits was welcomed by the leading members of the Corporation. The Pilgrims in spite of their 'perversity' in religious faith, were just the kind of sturdy and sober laborers so eagerly sought by the Company and it was merely an accident in navigation that carried them to land outside the borders of Virginia." See also Anderson, *Op. cit.*, I, 357-59.



# In Memoriam, Sir Edwin Sandys

ENOUGH has been written in the preceding chapters to show the profound conviction of the present writer that Sir Edwin Sandys, as the prime mover in the formulation of the plans under which the ideal of self-government was put into effect in England's first colony, was, in the truest sense, the founder of the democratic institutions of Virginia. It was in the following of these ideals that Virginia and the later established colonies have together grown into the American Nation of today.

Seeking to materialize his own vision of a colony in which there would be no ecclesiastical courts to force men's consciences, he fought long and valiantly with the king and the archbishop of Canterbury for the privilege of inviting to Virginia the Brownists who had been driven out of England to Leyden; and, finally, having won a grudging agreement that they would not be molested if they should settle in Virginia, he planned with them to make that move, and as a group to form their own particular plantation or hundred. That these Pilgrims started for Virginia in conformity with Sir Edwin's plan is well known; that they settled eventually at Plymouth instead of in the Chesapeake Bay was due to conditions beyond his or their control.

Certain it is also that the ideal of self-government, whether as a city in Virginia or a township in Massachusetts, was Sir Edwin's ideal, put into effect at Jamestown between 1609 and 1619, and carried by the Pilgrims of 1620 as they organized their own government at Plymouth.

From these two earliest colonies, and the two whose forms of government have been carried through all our American life, there have spread in an ever-widening stream those democratic ideals which are the hope of our future as they have been the strength of our past.

For these reasons, therefore, a memorial chapter to a man who dreamed a dream of human freedom in a tyrannical age and was given the power and the opportunity of laying foundations of a freer life in

a new land would seem to be a fitting, even though a very small, tribute of gratitude.

IN MEMORIAM  
SIR EDWIN SANDYS  
PRIME MOVER IN THE ORGANIZATION  
OF THE  
FIRST GOVERNMENT OF VIRGINIA

Notes which Sir Nathaniel Rich "Presently took of Captain John Bargrave's Discourse "to him" Concerning Sir Edwin Sandys."

"This day beeing friday the 16th of May 1623 betweene the hours of 11 and 12 a clock in the forenoone Captain Bargrave came to me to shew me a paper w<sup>ch</sup> he had drawne concerning the present Governm<sup>t</sup> of Virginia, w<sup>ch</sup> I onlie read and delivered to him againe, And He and my selfe beeing then all alone in the great Chamber of my Lord of Warwicks house he tould me that he was afayrd to discover some things w<sup>ch</sup> he knew of S<sup>r</sup> Ed. Sandys his proceeding in those businesses, both because he was so upheld privately in his courses as also that he had the strength of the Courts<sup>1</sup> to countenance him in all things and had so carryed the business that he would be sure to hide all his own ill actions under the name of the Company: Besydes he tould me that by his long acquaintance w<sup>th</sup> him & his wayes he was induced verilie to beleave that there was not any man in the world that carried a more *malitious* hart to the Governm<sup>t</sup> of a Monarchie than S<sup>r</sup> Ed. Sandys did: for Capt. Bargrave had heard him say That if ever God from heaven did constitute and direct a forme of Governm<sup>t</sup> it was that of Geneva: And he hath oft tymes reprehended Capt. Bargrave that in some written tractates of his, and in his discourses he seemed to dislike the constitution and frame of the present Governm<sup>t</sup> of Virginia as that w<sup>ch</sup> inclines unto if not directly beeing a popular Governm<sup>t</sup>. he telling Capt. Bargrave that his intent was to erect a free state in Virginia and other wordes to that purpose. And to that intent (as Captain Bargrave affirmed to me) S<sup>r</sup> E. S. mooved my L. of Canterburie to give leave to the Brownistes and Separatists of Engl. to goe thither for w<sup>ch</sup> my Lordes grace of Canterburie sayed to Bargrave that he could never like well of S<sup>r</sup> E. S.: those Brownistes by their Doctrine clayming a libertie to disagreeing to the Governm<sup>t</sup> of Monarches: And the sd Capt. Bargrave likewise affirmed that if the Charter w<sup>ch</sup> by S<sup>r</sup> Ed. Sandys he meanes was sent into Virginia (in w<sup>ch</sup> is a clause (as he sayes) that they shall have no Governm<sup>t</sup> putt upon them but by their owne consents) and his other proceedings in those businesses of the Plantacions (especially

such as concerne governmt<sup>t</sup>) were looked unto it would be found that he aymed at nothing more than to make a free popular state there. And himselfe and his assured Freindes to be the leaders of them w<sup>th</sup> much to this effect declaring in my apprehension a mervailous ill affection in Sr E. S. to the happie frame of a Monarchie.”<sup>2</sup>

#### STATEMENT OF ALEXANDER BROWN

“The popular charters and other legal instruments of the London Company for Virginia were drafted by Sir Edwin Sandys (a statesman of ‘the greatest parts and knowledge in England’), assisted by other lawyers and politicians among the progressive thinkers of that transition period, who also designed a popular form of government for the colony, and these documents formed the original basis for civil and religious liberty in the new world.”<sup>3</sup>

“Heylin<sup>4</sup> says ‘In the latter part of the 16th and early in the 17th centuries many English youth were sent to Geneva to study the Reformed Religion out of an opinion (in which Heylin did not agree), which their parents have that it is nowhere so purely practised and professed as there. And thus being seasoned with Genevan Principles have many times proved disaffected to the forms of government (as well Monarchial as Episcopal) which they found established here at home, to the great embroilment of the State in matters of most near concernment.’ The government of Switzerland was popular, and the liberty of Switzerland made the independence of Geneva, which became the capital of the Great Cause. Sir Edwin Sandys (son of Rev. Edwin Sandys, one of the first who conformed to the Protestant Religion and afterwards Archbishop of York) was one of those alluded to. He was a member of the Church of England, but he favored ‘the emancipation of the human mind,’ in matters of religion—religious liberty. He was ‘at harte opposed to the government of a monarchie,’ and favored civil liberty. He said, ‘he thought that if God from heaven did constitute and direct a frame of government on Earth it was that of Geneva.’ And he aimed to introduce such a popular form of government and to ‘erect a free state in Virginia.’ Such a firm believer in the royal prerogative as James I being king, it was very necessary for Sandys to move slowly and with great diplomacy in putting such ideas as his into effect. Yet although so much of this evidence has been destroyed, and so much of that which remained was set forth especially to obscure or to obliterate such facts, it can now be seen that, although the laws of the colony were required to conform to the laws of England, each succeeding company charter (drafted by Sandys) and each succeeding instruction (drawn by Sandys and others) to Argall, De la Warr, Yeardley and Wyatt for establishing their government in Virginia, was leavened more and more with the Geneva idea.”<sup>5</sup>

## CHAPTER IX • NOTES

1. The "Courts" were the quarterly meetings of the stockholders of the Virginia Company as distinguished from the more frequent meetings of the Council, or Executive Committee, of the Company.
2. The above statement is copied from Kingsbury's *Records of the Virginia Company*, Vol. IV, pp. 194-95.
3. Alexander Brown, *The First Republic*, pp. xviii-xix.
4. Rev. Peter Heylin, b. 1600, d. 1662, was a well known writer of the Church of England. The quotation given here is from his *History of the Reformation of the Church of England*.
5. Alexander Brown, *The First Republic*, pp. 250-51.



# Part II

## THE CHURCH UNDER THE STUARTS



# Developing Native Institutions

THE ten-year period from 1625 to 1635 was a decade of transition in Virginia. It began in a cloud of great uncertainty as to what was going to happen to the colony now that the charter with its provisions for self-government had been abolished and Sir Edwin Sandys thrown out of the picture; it culminated in 1635 in the startling action of a people strong in their determination and so sure of their position that they could send incontinently back to England a royal governor who had exercised unbearably tyrannical and arbitrary power.<sup>1</sup>

The paramount question which agitated the minds of the colonists during the first years of the reign of Charles I was, whether Virginia was to be permitted to continue its government of representatives elected by the people or be governed by the will of the king and of the officers whom he might appoint. The whole future of the colony was recognized to be dependent upon the answer given to that question.

For nearly three years the king remained silent and then, in order to accomplish a purpose of his own, called the General Assembly of Virginia into active existence again. It is one of the remarkable instances of the devious ways in which the cause of human freedom has been forced to go sometimes in order to attain its ends that the future of self-government in England's first great experiment of overseas extension found its opportunity in the selfish whim of a king seeking to gain advantage over his Parliament by securing for himself the monopoly of the tobacco trade. The king hoped that, by calling the General Assembly together again, it would show its loyalty to him by expressing the desire to have the tobacco trade of the colony under his control rather than under the direction of Parliament.<sup>2</sup> The Virginia burgesses, when they assembled, were, however, far more interested in the fact that their General Assembly had been called into existence again than they were in the quarrel between the king and Parliament,

important as the tobacco trade was to their financial welfare. To them it meant that the gap had been closed and that their right of self-government had been recognized by the action of the king.

From this starting point of renewed life, the General Assembly continued to meet with more or less regularity, and there was no further question as to its right to existence.<sup>3</sup> At the sessions held in 1632, an effort was made to review and revise all the laws which had been enacted previously, and, being thus assembled, they constituted in a real way the first attempt at a code of laws for the colony. Similar revisions were made from time to time and new codes set forth during the whole colonial period. A study of these several revisions of the laws as given in Hening and elsewhere should be a subject of profound interest as tracing the development of government in England's first and oldest colony.

Suffice it to say here that the close of the decade 1625-35 found the government of Virginia by its own elected representatives well and strongly established. As was the case in the Parliaments of both England and Scotland, where the laws enacted had to receive the approval, in the one case, of the king, and, in the other, of the king's commissioner, or personal representative, so in Virginia the laws enacted by the General Assembly (its Parliament) had to receive the approval of the governor of the colony as the appointee and representative of the king. All laws thus approved and put into effect were reported to the privy council in England for the king's information, and he had power to disapprove and disallow any law even after it had been approved by the governor and gone into effect. The privy council and the king, therefore, were the final and supreme court of appeal for the people of Virginia against the enforcement of any law which they or any group of them believed to be unconstitutional.

It must also be clearly understood, as regards the relationship of the Parliament of England to the General Assembly of Virginia, that, great as the influence of Parliament undoubtedly was in affecting the life of the people and the actions of their General Assembly, it had no authority to legislate for local affairs peculiar to Virginia and had, by definite and repeated declaration, no authority to impose a tax of any kind upon the people of the colony. Only the General Assembly of the colony itself (and by distinction within that body only the House of Burgesses as the elected representatives of the people) could impose such a tax. Parliament did assume the right and exercised the power, against the bitter and continued protest of the people of Virginia, to



require all shipping originating in Virginia to be shipped to English ports and imposed heavy impost taxes upon all tobacco brought from Virginia; but these Navigation Acts arose out of their relationship to the larger interests of the British Empire rather than to the interests of the colony itself. It is true that Parliament claimed and exercised the authority, in cases affecting the welfare of the empire as a whole, to enact laws directly affecting, and intended to be in force in, Virginia and the other colonies; but, in each such case, the colonies or "plantations" must be specifically mentioned in the act itself in order to make it of effect in the colonies.<sup>4</sup>

This decade was marked by a revolutionary transition in the form and character of both political units and parishes, which changed the whole character of Virginian life and fixed upon it conditions that have existed and continued to the present day. It consisted fundamentally in the change from cities and townships to shires and counties as political and legislative units, or, in other words, a change from the small and thickly populated village or township to the thinly populated and widespread area of a large county as a unit of far larger size both in territory and population.

We have already seen that the composition of the first House of Burgesses in 1619 included 22 elected representatives from four cities and seven particular plantations or hundreds, which were simply townships under an earlier name. These eleven boroughs had increased steadily through the growth of population and the taking up of new land until at the General Assembly of March, 1629/30, there were 24 boroughs represented by 45 burgesses and in September, 1632, 25 units were represented by 39 burgesses.<sup>5</sup> All these boroughs were dissolved in 1634 and the whole occupied territory of Virginia was divided into eight shires, "which are to be governed as the shires in England, and lieutenants are to be appointed the same as in England . . . and as in England the sheriffs shall be elected to have the same powers as there, and sergeants and bailiffs where need requires."<sup>6</sup>

By the next meeting of the Assembly, the name shire was changed to county, each one continuing the name of the former shire. Unfortunately, the records of sessions and the acts adopted between 1635 and 1639 were not available to Henning. At the session of the Assembly in 1642/43, which was the first one after 1632 at which the names of the burgesses were given, there were ten counties instead of the earlier eight. Two new counties, Lower Norfolk and Upper Norfolk, had been formed out of the great expanse of Elizabeth City County on the

south side of the James River. These ten counties were represented by 27 burgesses.

The compelling reason for so striking a change in the territorial size of the legislative units was the fact of the rapid spread of the culture of tobacco. By 1634, it was evident that, for good or ill, the welfare of the colony was to be intimately bound up with the culture and sale of that commodity. To so great an extent was this true that no effort seems to have been made to carry out the provisions of the first charter of 1606 permitting the coinage of money for the use of the colonists; but it became a custom which was finally sanctioned by law that tobacco itself should be used as currency in the payment of debts and the purchase of supplies. The man, therefore, who raised the largest crop of tobacco had made for himself the largest amount of "money."

The culture of tobacco required, and still requires, wide fields. The fifty acres granted to each immigrant as a "headright" soon became too small to raise as much tobacco as he desired in addition to the food crops and pasturage for his cattle. Indeed, about the only way in which a settler could increase in wealth was by acquiring more land, planting larger fields of tobacco, employing indentured servants, and purchasing some of the Negro slaves just being imported,<sup>7</sup> and then buying more land and planting a still larger acreage. Desperate efforts were made by the General Assembly under orders from the king and privy council, as had been urged and insisted on by the London Company in its day, to develop other forms of income-yielding industry: naval stores, glass-blowing, iron smelting, wine-making, silk-culture; but none of these proved successful in any general way, whereas there was a steadily growing demand for Virginia tobacco.

So the fields grew steadily larger and, as a concomitant result, the little towns at the centers of the cities and hundreds died out, and their territory reverted to agricultural uses. Jamestown continued and grew in population because it was the seat of government, but the City of Henricus and Charles City, after having given their names to the counties of which they were the beginnings, died out completely as in any sense centers of population. The sites even of the populated centers of particular plantations like Berkeley Hundred or Flowerdew Hundred, or Martin's Hundred can with difficulty be located today, and some of their names, like Wostenholme-Town, have passed entirely out of our knowledge. The profound effect that this change had upon the development of Virginia has been manifest all through its three and a third centuries of life; and indeed, except where the industriali-

zation of life in the recent past has materially changed conditions, the ways of the old rural and agricultural life still show their continuing influence.

By this change, as the people of Virginia gave up the possibility of developing cities or towns of large population out of the village centers of the first days, so they gave up necessarily the possibility of quick and easy gathering together of the citizens of the community to discuss the civic or other problems of communal life. The town-meetings for the purpose of election of public officials and the rapid interchange of ideas arising out of frequent intercourse were lost, and the people found instead the loneliness of life upon large and scattered farms. The citizens of a county had no opportunity to get together in large public meetings but had to depend upon the casual meetings on county-court days, the quarterly musters of men for military drill, the occasional call, every few years, for the election of a burgess, and perhaps the possibility, once in a lifetime, of a meeting for the election of vestrymen of their parish. Under such circumstances, the regular weekly services at every church held either by the minister, or a reader, if the minister could not be present, was the one continuing and unfailing opportunity of getting together to meet each other and discuss home news and local and other problems.

The king and privy council and the "Lords Commissioners of Trade for the Plantations" recognized the weaknesses and defects of the method of settlement in Virginia and insisted, over and again and in many ways, that towns should be developed in the colony as markets and as centers of colonial life. And the governor and General Assembly, in loyal obedience to the instructions of the crown, enacted time after time the laws under which the towns were to be built. But, as long and as far as the cultivation of tobacco as the money crop extended, towns were not built in any appreciable number, and such towns as did survive—Yorktown, Hampton, Norfolk, Richmond, Petersburg, Fredericksburg, and, later, Alexandria,—were small villages serving either as ports of entry for receipt of incoming freight, or as market towns for people in the back-country living too far from tidal streams to be able to ship direct from their own or their neighbor's wharves.

The parish followed the same line of development as the city and hundred. Starting out as the geographical territory of a township, with its people living close together in a central town or village, the time came when the village had disappeared and the whole character of the cure of souls had changed to that of a sparse population consisting



of families living upon scattered farms. The immediate result was that the number of families was not great enough to pay the salary of their minister and the other expenses of the existing parishes except by undue and excessively heavy taxation, nor was the population large enough to require the full time of a minister.

For this reason, it was found necessary to enlarge the territory of the parish until it could include a population large enough to pay the parish expenses without undue strain. This meant that the small parishes, which had been established at first in each of the cities and hundreds, had to be combined wherever it was possible to do so. In the case of new parishes formed as settlement extended into new territory, thought had to be given primarily to the number of people to be ministered to, and to pay the taxes for the support of the Church rather than to the number of square miles to be included. Beginning, therefore, shortly after the change of governmental units from boroughs to counties, one sees a similar change in parishes in the continuing enactments of the General Assembly as they carried on the process of combining the old parishes into larger ones.

As regards the government of the Church in Virginia, this decade from 1625 to 1635 was of great importance as being the period in which laws were formulated and institutions developed into the forms in which they continued throughout the whole colonial period. During the previous period, the Church as an institution seems hardly to have been legislated for at all. From the first drastic and temporary code of Dale's "Laws Divine Politique and Martiall" of 1610, the requirement was strictly enjoined that every man must go to Church regularly every Sunday. Every minister must preach on Sunday morning and catechize in the afternoon, read morning and evening prayer daily and preach every Wednesday. He must keep proper records of christenings, marriages and burials. But there was no mention of any organization of the Church or the parish other than an informal committee to be appointed by each minister:

"Euery Minister where he is resident, within the same Fort or Fortress, Townes, or Towne, shall chuse vnto him foure of the most religious and better disposed as well to informe of the abuses and neglects of the people in their duties, and service to God, as also to the due reparation, and keeping the Church handsome, and fitted with all reuerant obseruances therevnto belonging."<sup>8</sup>

When these laws were abolished upon the return of the colony to normal conditions, the observance of religious duties by both clergy and



laity was expected to be in conformity with the ecclesiastical laws of England. The first meeting of the General Assembly, in July-August, 1619, closing as it did in mid-session because of the prolonged and unendurable heat, was able to do little more than write into law some of the most important of the customs which were growing up into a skeleton of ecclesiastical procedure. Laws were enacted, first, that all ministers should read divine service and exercise their ministerial function according to the ecclesiastical laws and orders of the Church of England, "and every Sunday in the afternoon shall catechize such as are not yet ripe to come to the Communion." Second, that all ministers must bring to the Secretary of Estate annually in March a true account of all christenings, burials and marriages. Third, that all ministers and churchwardens shall seek to prevent all ungodly disorders. In the case of "skandulous offenses such as suspicions of whoredoms, dishonest company keeping with women, and such like" . . . "or other enormous sinnes" . . . "after two warnings, the churchwardens are to present them to the minister, who shall thereupon suspend the offender for a time from the Church." In case of continued living in such sin, the minister was to proceed to the extreme punishment of excommunication, whereupon the governor, upon notification of that fact, was required to issue a writ for the arrest of the person and the seizure of all his goods. But the ministers were not permitted to inflict such drastic punishment of their own motion. The law required all the ministers to meet the governor four times a year, at Michaelmas, the Nativity, the Annunciation, and, in mid-summer, "to determine whom it is fitt to excommunicate, and that they first present their opinion to the Governor ere they proceed to the acte of excommunication."<sup>9</sup> This form of ecclesiastical or semi-ecclesiastical trial of gross offenders continued for a few years only, until courts with authority to try such cases were set up in the several counties. After the establishment of counties and the organization of county courts, presentments were made by the churchwardens to the courts and not to the minister.

This seems to be the first case in which churchwardens are mentioned as lay officials of the Church in Virginia, and here they appear solely in their capacity as presenters of offenders against the moral law. The introduction of the term in this way seems to indicate clearly that the use of churchwardens in the parishes in Virginia was already a customary thing, taken over naturally from the usage in England. In the parishes at home, every incumbent of a parish might appoint two churchwardens to whom the duty of caring for the fabric of the Church

building was committed. To this primary duty was added that of presenting to the proper courts certain classes of offenders against ecclesiastical laws.<sup>10</sup> Churchwardens would seem, therefore, from precedent of home customs, to have been appointed by the ministers at Jamestown from the first, and only under the necessity of imposing martial law in 1610 was the direction given in Dale's Laws ordering the minister to appoint four "religious men" to perform the duties of churchwardens. As soon as martial law was terminated, the parishes presumably went back to the usual custom of having two churchwardens appointed by the minister.

It is profoundly interesting to note that, even in the heat and hurry of the General Assembly in 1619, the hope and purpose of converting the Indians to the Christian faith was clearly manifested and steps taken looking toward that end. The plan for a college at Henrico had already been undertaken in England, and the General Assembly, in making that plan its own and hoping to further it, ordered that—

"For laying a surer foundation of the conversion of the Indians to Christian religion, each towne, citty Borrough, & particular plantation do obtaine unto themselves by just meanes a certaine number of the natives Children to be educated by them in true Religion & civile course of life. Of w<sup>ch</sup> children the most towardly boyes in witt & graces of nature to be brought up by them in the firste Elements of litterature, so as to be fitted for the Colledge intended for them, that from thence they may be sent to that worke of conversion."<sup>11</sup>

An end, temporary at least, was put to efforts to Christianize the Indians by the great massacre of Good Friday, 1621/22. Although the council of the Company in London continued its efforts to get the college started, the voiding of the charter of the Company forever ended that humanitarian and missionary endeavour. Of less importance, perhaps, but of great human interest, is another law enacted in that brief meeting of the Assembly:

"Against excesse of apparell, (it is ordered), that every man be cessed (i.e. assessed) in the Churches for all publique contributions, if he be unmarried according to his owne apparell, if he be married, according to his owne & his wives, or either of their apparell."<sup>12</sup>

. . . . .

While meetings of the General Assembly were held in 1620, and perhaps annually, the first laws that are extant and given in Hening's Statutes<sup>13</sup> were enacted at the session of March, 1623/24. The laws then adopted are considerably more definite in their provision for the

Church. The custom established by the London Company of requiring the proprietors of every particular plantation or hundred to erect a church building was now written into the law of the colony and made the duty of the settlers and local landowners themselves. "That there shall be in every plantation, where the people use to meete for the worship of God, a house or roome sequestered for that purpose and not to be for any temporal use whatsoever, and a place empaled in sequestered only to the buryal of the dead."<sup>14</sup>

All persons without allowable excuse were required to attend church regularly every Sunday, fines of one pound of tobacco for one Sunday's absence, and of fifty pounds for a month's absence being imposed. A minister who left his parish for two months was mulcted of half his year's salary, and an absence of more than four months would cost him his whole year's salary and the loss of his parish. On the other hand, the law took care to protect the minister both in his reputation and his salary. Anyone who should disparage a minister without due proof, and so hurt his influence in his parish, was to be fined 500 pounds of tobacco and to beg the minister's forgiveness before the congregation. No man was permitted to sell his tobacco until he had paid his Church dues, and in every plantation some layman was appointed to collect the minister's share "out of the first and best of the tobacco and corne."

Two further acts enacted at this session show clearly that the colonists, even at this early date, were developing the consciousness of having a church of their own as well as a civil government. Both of these, notwithstanding their loyalty to England, they perceived must necessarily develop into something distinctive as being their own institutions and expressing their own aspirations, ideals and needs. The first of these laws was —

"That there be an uniformity in our church as neere as may be to the canons in England: both in substance and circumstance, and that all persons yeild readie obedience unto them under paine of censure."<sup>15</sup>

The "our church" in that law is a very striking phrase as marking the recognition of a distinction between the two. The second one emphasizes that distinction by setting for their own Church a holy day that was entirely their own.

"That the 22d of March be yeerly solemnized as holliday (i.e. holy day) and all other hollidays (except when they fall two together) betwixt the feasts of the annuntiation of the blessed virgin and St. Michael the archangell, then only the first to be observed by reason of our necessities."<sup>16</sup>



A "holliday" meant distinctly for them a holy day of worship and of release from daily work. For that reason, the law directed that, during the agricultural growing season between Lady Day and Michaelmas, whenever two holy days fell together, only one should be observed. Certainly, there was no intention to omit or ignore the holy days between September 29 and March 25, but there was more time for holidays between these dates. The Church people of the colony intended to observe all the days of the Prayer Book and add thereto a holy day of their own. They added others later.

While there is no mention in the laws of 1623/24 of the law of 1619 concerning presentment of scandalous offenders to the minister by the churchwardens, it must be presumed that this law continued in force, because the civil courts with jurisdiction had not yet been established. It must be noted, however, that the churchwardens were directed to present persons charged with swearing and drunkenness to the military commanders of the respective plantations or boroughs, and not to the minister of the parish.<sup>17</sup> This was a definite step toward the duties later laid upon the churchwardens, as the executive arm of the vestry, to present to the county courts all offenders against the moral law.

With the abolition of the charter of the London Company in 1624 and the death of King James a few months later, the situation in Virginia was entirely changed and the people of the colony must increasingly have perceived that the welfare of religion amongst them, in both ecclesiastical organization and canons for its government, must originate in their own General Assembly, unless chaos was to reign. The supreme difficulty of the situation arose from the fact that their whole experience of the Church as an institution centered in a bishop and a diocesan organization. It was not merely that, in the lack of a bishop, no man could be ordained to the ministry and no child growing to years of discretion could make personal confession of his own faith in the sacramental rite of confirmation. The whole of life was geared to the existence and functioning of a diocesan organization. Certain civil duties, such as the probate of wills, the appointment of notaries, the granting of special licenses for marriage, and the induction of ministers as rectors of their parishes, must be performed by a bishop. Such matters as discipline of the clergy and rules for the orderly conduct of worship, the duties of the clergy and other parish officers, and similar matters, were regulated by ecclesiastical canons of the diocese or province and administered by diocesan officials.



Inasmuch as the London Company had centered in London, it was quite natural that the council of the Company should have looked to their diocesan, the bishop of London, for advice and guidance in ecclesiastical matters in Virginia; but the abolition of the charter had broken even that very tenuous connection, and thereafter the bishop of London had no more authority in Virginia or America than any other bishop in England. The only way in which a bishop in the Church of England could have any authority outside his own diocese and province would be by direct appointment of the king. The only two possible ways in which the Church in Virginia could have received the completion of its ecclesiastical organization were either that the king should create a diocese of Virginia and appoint its bishop, or else to issue under his great seal specific authority to some particular bishop to perform certain named duties in the territory of Virginia. Neither of these plans was adopted.

When, therefore, the royal consent was given by King Charles I for calling the General Assembly again into session, the people of Virginia must have realized that it would be necessary for them to develop a form of organization for their Church which would enable it to function, for the time being at least, without episcopal supervision or diocesan organization. Lacking bishops they must look to England for such supply of ministers as might be persuaded to come to the colony. Lacking bishops there was no normal method of regulation of the clergy or of discipline of one who should prove unfaithful. Nobody but a bishop could depose an unworthy clergyman. It was, therefore, necessary to make such ecclesiastical organization as they could out of laymen, enacting such laws only concerning the clergy as could be enforced either in connection with their coming into the colony or in the terms of appointment to the charge of parishes.

The two features developed in Virginia in the organization of the Church under the existing conditions were, first, the Parish, as a definite extent of territory forming, with the people living within its bounds, a distinct and separate ecclesiastical unit; and, second, a Vestry, consisting of a continuing group of landowners in the parish, as the governing body in the temporal affairs of the Church within the parochial bounds. The civil duties assigned to the parish from time to time and performed by its vestry greatly increased its importance as an integral part of the life of the colony, and the vestries eventually became one of the strongest and most influential groups in the colonial life.<sup>18</sup> The decade 1625-35 saw the formation and development of both

parish and vestry along the lines upon which they continued to grow and function throughout the whole colonial period.

As has already been stated,<sup>19</sup> the governor and council, being the only executive body in existence in the first years after the abolition of the charter of the Company, performed the duties previously performed by the Company in London, of erecting parishes and appointing ministers. As soon as the General Assembly was called again into existence by the restoration of the House of Burgesses, that body took those duties away from the governor and council<sup>20</sup> and so brought them both under the authority of representatives elected by the people.

At the session of the General Assembly held in March, 1629/30, the acts formerly made concerning ministers, as regarded holding services, keeping records, etc., were reaffirmed, and the Assembly went further to adopt a more definite stand concerning conformity of the clergy than they had hitherto taken.

"It is ordered that all ministers residing and beeing, or who hereafter shall reside and bee within this colony, shall conforme themselves in all thinges according to the cannons of the church of England and if there shall bee any that, after notice given, shall refuse to conforme himselfe, hee shall undergoe such censure as by the said Cannons in such cases is provided for such delinquent."<sup>21</sup>

One may without difficulty perceive two strong reasons for this tightening up of the laws concerning conformity in a colony which had at first welcomed many clergymen as well as laymen without, as Alexander Whitaker declared, saying anything about subscription to the Articles of Religion of the Anglican Church, or the use of the surplice.<sup>22</sup> One of these reasons was, doubtless, the influx of undesirable men after the barriers of selection were let down by the breaking up of the methods used by the Company; and the second was the growing tension between the king and the dissenters in England, which was so soon to break out in civil war.

It is perhaps hard to visualize the conditions which existed after the breakup of the Company. While King James appointed governors and members of the council of estate for Virginia after it had become a royal colony, there was no organization or group seeking to select desirable men and women to go as emigrants to the new land, and no group interested in trying to secure well-trained and acceptable ministers. Emigration was left to chance either of worthy or unworthy motives, and there was no way to check the unworthy ones. It was of

this period, after the dissolution of the Company, that John Hammond wrote his well-known account:

"Then they began to provide and send home for Gospel Ministers, and largely contributed for their maintenance: but Virginia savouring not handsomely in England, very few of good conversation would adventure thither, (as thinking it a place where surely the fear of God was not), yet many came, such as wore Black Coats, could babble in a Pulpit, roare in a Tavern, exact from their Parishioners, and rather by their dissoluteness destroy than feed their flocks.

"Loath was the Country to be wholly without Teachers, and therefore rather retain these than be destitute; yet still endeavours for better in their places, which were obtained, and these Wolves in sheeps cloathing by their Assemblies questioned, silenced, and some forced to depart the Country.

"Then began the Gospel to flourish."<sup>23</sup>

This greater strictness, written into the law, was one of the steps taken by "their Assemblies" to check an evil which they had no way of stopping at its source.

Doubtless, also, inasmuch as the doors of Virginia were wide open to all (except Roman Catholics) who could take the oaths of allegiance and supremacy, some dissenting ministers must have come along with many of their people, and, in the great difficulty of securing worthy ministers, a minister of dissenting ordination, if he were willing to take, in addition to the oaths of allegiance and supremacy, the oath of conformity, and thereby promise to use the Prayer Book and observe the Church's customs in his public services, could serve most acceptably as minister of a parish. But, in the growing chasm between the king and the dissenters, and in the loyalty of the people of Virginia to their king, the law was being strengthened to prevent ministers from holding parishes who declined to take the oath of conformity. Even at that early date, the Assembly of the colony was trying to guard against the effort which was actually made ten years later by the Puritans in the colony to organize opposition to King Charles.

It must be recognized, of course, that this law affected the clergy alone, and not the laity. All persons who came to Virginia, both clergymen and laymen, were required to take oaths of allegiance to the king and of acknowledgment of the king's supremacy in ecclesiastical as well as in civil affairs.<sup>24</sup> Every clergyman and layman, except a member of the Roman Catholic Church, could and did take both these oaths.



An honest Roman Catholic could not take the oath of the king's supremacy because it involved a denial of any authority of the Pope in England and a denial of any personal allegiance to him in either civil or ecclesiastical affairs. A third oath, which every clergyman who came to Virginia was required to take, was the oath of conformity to the doctrine, discipline and worship of the Anglican Church. This included, of course, the regular use of the Prayer Book in all the Church services.

There was nothing, therefore, in the laws of Virginia at that time which would prevent a layman of dissenting protestant beliefs to come to Virginia, and to live unmolested by the civil authority, if he were willing to obey the laws of the colony. But the laws did serve to prevent a non-conforming minister from officiating in the colony unless he should declare his willingness to conform to the ways of the Church. As was shown clearly by events a few years later, this law must be interpreted in connection with events which were coming to a head in England in the bitter conflict and ultimate civil war between the king and the Church, on one side, and the dissenting bodies on the other. It was far more the matter of loyalty to the king than the question of heretical beliefs that impelled the General Assembly of Virginia to endeavor to keep out of the colony all non-conforming ministers. For that reason, the session of September, 1632, reenacted the earlier law requiring "uniformitie—both in substance and circumstance to the cannons and constitutions of the church of England as neere as may be" with the threat of "paynes and forfeitures in that case appoynted" to all who disobeyed.<sup>25</sup>

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#### DEVELOPMENT OF THE VESTRY

The laws of Virginia were assembled into a sort of general code of laws of the colony during the sessions of the Assembly in the year 1632,<sup>26</sup> and a definite advance was made in the organization of the Church. Ministers were directed to choose their churchwardens annually at Easter. "As many of the ministers as conveniently may, and one of the churchwardens at least of every parish" were required to attend annually at the June quarterly court in Jamestown, there to make their presentments of offenders, hand in their reports of marriages, baptisms and funerals, and present their "accounts of all levyes, collections and disbursements as have been or fallen out in their tyme concerning the church affayres."<sup>27</sup>



Another law, required doubtless to be so explicit because of the inability to keep out unworthy ministers, was the following:

"Mynisters shall not give themselves to excesse in drinkeinge, or ryott, spending their tyme idellye by day or night, playing at dice, cards, or any other unlawful game; but at all tymes convenient they shall heare or reade somewhat of the holy scriptures, or shall occupie themselves with some other honest study or exercise, alwayes doinge the thinges which shall apperteyne to honesty, and endeavour to profitt the church of God, alwayes haveinge in mynd that they ought to excell all others in puritie of life, and should be examples to the people to live well and christianlie."<sup>28</sup>

Because of a great falling off in the price of tobacco, perhaps because of the disturbed conditions in England, the Assembly made an increase in the salary of the parish ministers by directing that, in addition to the payment of the usual tithes of tobacco and corn, the twentieth calf, pig and goat produced on every farm should go to the minister.<sup>29</sup> This order continued in effect for two years. Fees for the official acts of the minister, and an essential part of his annual remuneration, were set at two shillings for performing a marriage, one shilling for churching of women after childbirth, and one shilling for a funeral. It is to be noted that there was no fee permitted for a baptism. The erection and repair of churches was in this code ordered to be attended to by a representative group in every parish, consisting of the commissioners, (later called the justices of the peace), "together with the mynisters, churchwardens and chiefe of the parish," who were to decide what work of repair or new building was necessary to be done, and to let the contracts, the cost of which was to be "tyde" upon the inhabitants of the parish.<sup>30</sup>

This group was unquestionably an intermediate step toward the establishment of a governing body of the parish as a continuing organization. Such body, under the name of "Vestry," was to come later, and indeed very shortly, but, for the present, the law of 1632 neither declared how the laymen were to be selected to join with the officials mentioned nor who had the authority to select and appoint the minister of the parish.<sup>31</sup>

The first Act by which the vestry was set forward under that name as the governing body of the parish was enacted at one of the sessions of the General Assembly between 1633 and 1636, whose official records have been lost. The first Vestry Act which appears in Hening's Statutes is found in the laws enacted at the session of March, 1642/43. In that session, a revision of the code of the colony was made, and laws which

had been first enacted at sessions of previous years were re-enacted. The provisions concerning the vestry in this Act of 1642/43, as given by Hening, were as follows:<sup>32</sup>

"That there be a vestrie held in each parish, for the makeing of the leavies and assessments for such uses as are requisite and necessary for the repairing of the churches, &c, and that there be yearly chosen two or more churchwardens in every parish.

"Itt: that the most sufficient and selected men be chosen and joyned to the minister and churchwardens to be of that Vestrie."

Another paragraph in this Act directed "that the Vestrie of evrie parish . . . shall henceforward have power to elect and make choyce of their ministers." The further provision was included that, if the commander of the county militia, or the county commissioners or any of them, lived in the parish, they should join with the vestry in the selection of the minister; but if none of these officials happened to live within the parish bounds, the vestry should act without them. The minister so elected was by the vestry to be recommended and presented to the governor, "and so by him admitted and instituted as the rector of the parish. An interesting provision of the law gave to the governor of the colony, for the time being, the right to choose and appoint the minister of the parish of James City, or of such other parish as he might decide to live in.

Another, and the final, paragraph of this Act placed upon the vestry the duty of preferring charges against any minister of their parish who should be found guilty of misconduct. In such a case, the governor and council of state were given authority to proceed against the minister, and, if convicted, to punish by suspension for a period or by such other punishment as they might think best. But the "removeall of such ministers"—that is, the total and final dismissal of such a minister from the temporal rights of property and salary held by him as the rector of the parish (if he had been inducted into the rectorship) could only be accomplished by an act of the General Assembly. This was the best disciplinary measure that could be enacted under the circumstances of the lack of a diocesan organization which could hold a formal ecclesiastical trial and the absence of a bishop who alone could actually depose an unworthy man from the ministry.

While, as stated above, the session of March, 1642/43, was the first in which a Vestry Act was enacted, as recorded in Hening's Statutes, it is known from other sources that such a law was in existence in 1636,

and probably as early as 1634. Certain acts of the session of January-April, 1641/42, were discovered later and published in the *Virginia Magazine of History and Biography*.<sup>33</sup> The first of these contains the provision for a vestry in every parish in practically the same words as the law of March 1642/43, published by Hening, and further declared that this act in all its thirteen paragraphs had been copied from the first act of the Assembly of the year 1636.

Indeed, however, we must go to sessions prior to 1636, whose laws still remain undiscovered, to find the enactment of a first vestry act. Quite possibly the last act of the session held in 1634, at which the boroughs were merged into shires and counties, was a law establishing the vestry as the governing body in each parish and placing in its hands the right to elect their minister.

Evidence for the existence of a vestry act earlier than 1636 is found in the records of the County of Accomack, in a court order dated September 14, 1635, in which it appeared that a vestry of Accomack Parish had previously ordered the erection of a parsonage, which action had been protested before the governor and council sitting as the General Court at Jamestown. The action of the vestry having been confirmed by the General Court and ordered to be put into effect, the Accomack County court then took the stand that "there have heretofore been no formal vestry nor vestrymen," and, therefore, officially appointed eleven vestrymen and set the day of their first meeting as a vestry as the "feast-day of St. Michael the Arch Angel."<sup>34</sup> It would seem from this order that a vestry had already been in existence and functioning prior to September 14, 1635, the main question at issue being perhaps the validity of appointment of the members of that body. The court settled that matter by themselves selecting and appointing certain men to serve as members of the vestry.

The vestry of 1642/43 does not specify the method by which, or the persons by whom, the vestrymen were to be selected. Presumably, therefore, as shown by the action of the Accomack County court, vestrymen were selected usually by the commissioners (later justices of the peace) sitting as the county court. The final step in parochial self-government in temporal affairs was taken at the session of the Assembly held in February, 1644/45. Act V of that session directs:

"That the election of every Vestry be in the power of the major part of the parishioners, who being warned, will appear to make choice of such men as by pluralitie of Voices shall be thought fitt, and such warning to be given by the minister, churchwarden or head Commissioners."<sup>35</sup>



## DEVELOPMENT OF THE PARISH

Under the laws enacted in this decade, 1625-35, and amended in later years, as the functions of the parish in Virginia developed, it may be seen that the parish grew in two different ways into a distinctive feature of both the ecclesiastical and the civil life of the colony. From the ecclesiastical point of view, the parish was the one and only organization of Church life permitted to them; and the vestry was the one permanent and continuing body with authority to administer its temporal affairs. Clergymen as pastors and ministers might come and go—or, in the depressing years of confusion, there might be no ordained minister at all to serve their people; or the minister who came might be of the non-understanding type, or unworthy of his calling; but the parish, consisting of a population living within definite bounds, with all their varied spiritual needs, remained in existence with a vestry of their own neighbors continuously functioning to look after their needs as best they could. They secured ministers whenever possible. If ministers were not to be had, they appointed readers to hold lay services. They provided for the care and upkeep of church buildings, looked after the physical needs of their poor and the sick and the aged, and found homes for orphaned children.

Whether or not there was a minister, the vestry functioned and continued to function. Out of this fact came the power of the vestry in civil as well as ecclesiastical affairs. It was this ability to continue that kept the parishes in existence during all the stress of the years of the American Revolution, and finally, because the temporal life of the Church centered in definite and well-defined parishes as units, it became possible for the parishes to come together through their elected representatives and organize the Protestant Episcopal Church of Virginia in 1785. It is true today that a majority of the parishes in the present diocese of Virginia are older, and many of them a century or more older, than the diocese itself.

From the point of view of civil duties, it is interesting to realize that, while the county was recognized as the unit of civil administration, under the direction of a bench of commissioners or justices of the peace sitting as a county court, the parish also was made a subsidiary civil unit with definite civil duties laid upon the vestry. These duties were mainly based upon human relationships and needs and were developed usually out of duties performed by the Church in England. The duty



performed by churchwardens in English parishes of presenting certain offenders to ecclesiastical courts was adopted from the first in Virginia and extended into the wider duty of presenting to the civil court of the county all offenders against the moral law. The duties of seeking and providing for the aged and the sick poor, as well as that of taking charge of orphaned children and all illegitimate ones, and binding them out as apprentices to masters and mistresses who would give them homes and teach them to read and write, were considered as naturally belonging under the sphere of the Church and to be performed by the vestry. Gifts and bequests either of money or land, for the care of the poor, or for the education of poor children, were, as a general rule, made to the vestries of the parishes. These came in larger number as wealth increased and the country became better settled. By the close of the colonial period, there were many endowed funds in the older parishes for these purposes.

In later years, other and less directly spiritual duties were laid upon the vestries—as, for instance, the requirement to call together the neighbors in every precinct in the parish once in four years and have them “procession their lands.”<sup>36</sup> This consisted of requiring all persons whose respective farms or other tracts of land touched each other’s land to walk in procession around the boundaries of each tract, renewing the blazes on the old line-trees and replacing landmarks wherever necessary. While this was not indeed a duty arising from human spiritual needs, it unquestionably tended to increase and maintain the peace of the community by insuring freedom from quarrels concerning disputed land boundaries.

There was one unusual way in which the parish was enabled to serve the developing life of the colony. The movement of population was steadily westward and northward and southward from the well settled sections into frontier territory. Land in the older counties was all taken up and being cleared and turned into farms, and, in spite of the greater danger of attacks by Indians, new settlers were passing in a continuous stream beyond the settled areas into new territory where land was cheap. The custom of the colony was to consider that each frontier county extended indefinitely westward as far as land had been patented, and the rule was to form new counties just as soon as there was sufficient population in the newer part of an old county to justify such action. The old county would be left in a convenient and workable size, and all the new territory to the west would be included in the new one. Each frontier county was at first a single parish holding services

in private homes in different sections until churches or chapels could be built.<sup>37</sup>

It became a general rule that, as the population of a frontier county increased, and the colonial authorities perceived that a new county would soon have to be formed, the first step taken was to determine what territory should be incorporated into the new county and then erect all that territory into a new parish. The first organization, therefore, of the territory would be ecclesiastical. The first opportunity the inhabitants would have to get together and vote for officers of their own choosing would be when they were called together to elect from among their own local residents vestrymen for their new parish. The vestrymen thus elected had the opportunity, before the new county was actually formed, to get to know the whole territory, decide where services were to be held, and begin to familiarize themselves with the social conditions of poverty and need, as well as conditions of disregard of law if such conditions should be found to exist.

Within a number of months, or a year or two, after organization of the parish, the General Assembly would establish the new county. The county commander and the justices of the peace were usually selected from the membership of a vestry which had already begun to function and familiarize itself with local conditions and needs. It seems quite worthy of note that, by adopting this plan, the first step in self-government of a new community of fresh arrivals in Virginia had to do with spiritual and moral conditions: the erection of churches, provision for religious services, care of the poor and orphans, and presentment of evil doers to the court. After these things had been attended to, the community was given its own county organization, its burgesses, and its county court in which to transact business, to sue and be sued.

It may be noted, also, that, at the session of March, 1642/43, when certain frontier parishes of large extent were formed, the new parish itself was given permission to elect burgesses, in addition to those elected by the county. These parishes were Lynnhaven Parish in what later became Princess Anne County, and the three parishes, East Parish, West Parish and South Parish, in Upper Norfolk (later Nansemond) County. These parishes extended indefinitely southward toward what eventually became North Carolina.<sup>38</sup> This privilege of sending parish burgesses was later extended to all parishes,<sup>39</sup> although the act by which this was done has been lost, and the date is not known. The thought of permitting parish burgesses was in one case the wide extent of sparsely settled territory on the frontier whose needs required specially informed

spokesmen, or, in other cases, particular conditions which might arise in any parish in which the parishioners might feel that they were not adequately represented by the county burgesses. This custom fell into abeyance after a few years as no longer being helpful.

Another experiment tried in a frontier parish was the act of the session of December, 1656, permitting Bristol Parish to establish and hold parish courts,<sup>40</sup> to try all cases permissible to be tried in a county court. Provision was made in this law that appeal might be taken by either plaintiff or defendant from that parish court to the county court of either Henrico or Charles City county, depending upon which county the appellant claimed as his residence. Bristol was a parish of a very large extent, covering the whole valley of the Appomattox River on both sides, and so included parts of both Charles City and Henrico Counties.<sup>41</sup> When the parish was formed in 1642/43, settlements clustered around the lower reaches of the Appomattox, but by 1656 many settlers were going up the river into widely scattered new sections. It did not seem possible to establish a new county large enough to cover so much territory, and, for that reason, the parish was given the right to establish its own court. No record seems to be in existence to show how this parish court was organized, or how long it continued to function. It must have been frankly an experiment, the success of which did not justify its extension into other frontier counties.

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#### THE INFLUENCE OF THE VESTRY

As an institution, the vestry increased steadily in influence as the years passed. One reason for this was that its members continued in office from year to year. While the vestry acts required that the members of the vestry should be elected by the parishioners, they did not specifically direct that elections should be held at regular times. Consequently, the custom grew up of vestrymen continuing in office indefinitely until death or resignation and the vestry itself choosing persons to fill the vacancies in their body as they occurred. An abortive effort was made by the General Assembly dominated by Nathaniel Bacon in 1676 to require an election of vestrymen in each parish every three years,<sup>42</sup> but this law was disallowed by the Assembly which met immediately after the collapse of Bacon's "Rebellion." It was not until the disestablishment of the Church in 1784 and the incorporation of the Protestant Episcopal Church of Virginia that the law was changed and regular elections of vestrymen ordered to be held in every parish.



It is true that, while the vestries in the colonial period thus became self-perpetuating bodies, the parishioners and the minister of every parish had the right of appeal either to the General Court, or to the Assembly itself, at any time that they, or any number of them, believed that the vestry was acting in an arbitrary manner; or, as was sometimes alleged, that the vestrymen were too old or infirm to attend properly to the business of the parish. Such appeals were always investigated and, if conditions were found to justify it, correction of the injustice was ordered or the vestry dissolved by special enactment and a new election of vestrymen ordered to be held in that parish.

While, as a result of this custom, the vestries, as a rule, became less and less representative, as far as free choice of them by the electorate of the parish was concerned, there was a compensating feature in that the vestrymen themselves selected to fill their vacancies persons fitted by position and education to perform the duties laid on them of care for the poor, interest in the moral conditions of the community, and in the general welfare of the parish. Vestrymen would necessarily come to know both parish and parishioners and would familiarize themselves with conditions that existed. They lived in the parish, owned property in the parish, and were respected by the people as their neighbors.

This personal relationship of vestrymen to parishioners resulted in the fact so commonly noted that,<sup>43</sup> at the time of the Revolution, resistance to the demands of the British Parliament was fomented in the vestries of the colony, and by the vestrymen extended through their parishes. As a group, they were land-owners and influential local leaders: as a group, they stood for resistance to the demands of Parliament for the imposition of taxes; and their attitude of determination to resist spread to the common people's forum, the churchyard, where the parishioners assembled Sunday after Sunday to gossip and to discuss public affairs as well as to worship.

The greatest and most far-reaching work that the vestries did for the Church of Virginia as an ecclesiastical institution was the protection of their parishes from ministers of unworthy character. The long-established law of England protected the rector of a parish in the possession of the temporalities of his cure (i.e. his salary and the possession of his glebe farm and rectory), and he could not be forced out or compelled to give them up by any prejudice or dislike or disapproval on the part of the parishioners, or any group of them. In the case of serious moral misconduct, he could be presented to his bishop for trial, and, if convicted in the bishop's court, he could be deposed from the



ministry and so forced out of his temporal rights as rector. The civil law, while it might punish a rector by fine or even imprisonment for moral offences, could not either discharge him from his parish or depose him from the ministry. The bishop of his diocese was the only one who could do this.

This custom had proven of great value and usefulness in the unsettled and lawless conditions of the Middle Ages. It protected the minister in the performance of his duty. Without such protection, the rector of a parish who dared to excommunicate for gross misconduct a nobleman or man of influence and power might have been arrested and imprisoned, or driven out of his cure. Protected as he was, he could plead his "Benefit of Clergy" and have his case removed to an ecclesiastical court for trial, where it would be free from the influence of lawless individuals. This protection worked to the advantage of religion and morals in the community, in that it gave to the rectors of parishes an independence in upholding righteousness and rebuking sin which the average minister might perhaps not have made use of if he had known that his whole salary and continuance in his cure was dependent upon the goodwill and favor of influential people in his parish.

It will be seen that an absolutely necessary element in the enforcement of the law was the presence of a bishop with authority to hold an ecclesiastical trial if necessary and to depose, or discharge from his parish, a rector found guilty of moral lapse. The law was effective in England because every foot of English soil is in some diocese and ecclesiastical authority is always present. But in Virginia, where there was no bishop and no diocese, the law was quickly found to work evil instead of good. The governor was given authority to institute a minister into the rectorship of the parish, but, if the rector went morally bad, the governor did not have authority to hold an ecclesiastical court and depose the offender. The result was that a minister who went bad after induction into the rectorship of a parish in Virginia could snap his fingers at anybody who tried to oust him from his parish. The civil law would be compelled to protect him and to force the parish to pay him his salary and give him the use of the glebe regardless of his moral delinquencies.

It must have been in the period immediately after the dissolution of the Virginia Company in 1624, and the breaking up of the plan for selecting ministers to send to the colony, that the lack of any supervision in England and the growing population of Virginia revealed more clearly the situation in which the Church in the colony was

placed. It was the coming of those "who could roare in a tavern and babble in the pulpit" that made the people of Virginia realize that, out of the sheer need of self-protection, Virginia must itself find a way to protect its Church. The method it adopted was an obvious one; and yet one so out of line with the customs of the Church of England as to arouse continual protest on the part of many English clergymen. The method was simple. It consisted of employing ministers by contract from year to year as incumbents, instead of presenting them to the governor for legal induction as rector. A minister being appointed, technically speaking, as *locum-tenens* for the period of one year, the possession of the glebe was given him for that period as part of his remuneration. Theoretically, there was no assurance whatever that the minister would be employed for more than the stipulated period, but, as it worked out in actual practice, in every case where a minister showed himself to be faithful and interested in his work, he was assured of continuance in his charge from year to year. Writing of this situation in his *Institutional History of Virginia in the Seventeenth Century*, Dr. Philip A. Bruce said:<sup>44</sup>

"As a matter of fact, the whole character of the probational tenure was well adapted to foster in the clergyman all those qualities most urgently required in a man in his position. He was made by it more energetic, more faithful and more circumspect in his conduct; and when a pastor on trial exhibited all these qualities there is no reason to think that he had any ground of complaint. Beverley,<sup>45</sup> who understood thoroughly the sentiment of the clergymen towards the close of the Seventeenth Century, states that the only grievance of which they were heard to speak was the precariousness of their livings, but that even this was no real cause for dissatisfaction, as it was rare that one was dismissed without having been guilty of some provocation not to be condoned; and that when discharged, unless his life had been 'abominably scandalous,' he found no difficulty in securing at once another benefice, owing to the eagerness of every vestry, should the pulpit of their parish to become vacant, to fill it. No qualified clergyman, he added, ever returned to England for want of preferment in Virginia."

The General Assembly of the colony itself recognized that this plan of appointment of ministers, although contrary to the ways of the Church, was necessary under the existing conditions. It endeavored, therefore, to strengthen the position of the incumbent by the requirement that, *locum-tenens* though he might be, he was to become a member of the vestry of the parish and its presiding officer. In its practical

operation, although an incumbent minister who was not instituted as rector might have his incumbency terminated at the end of any year by order of the vestry, he could, in the meantime, exercise all the spiritual rights of the rectorship, both in his ministry to the people and in his possession and use of the church buildings, as well as the glebe. Quoting again from Bruce:<sup>46</sup>

"The minister failing to secure induction enjoyed by force of his agreement with the vestry all the pecuniary advantages possessed by the one who had been inducted. Apart from the uncertainty of his tenure, which, as we have seen, was practically removed by faithful conduct, the average clergyman in Virginia was in a better position, from a worldly point of view, than the average member of his calling residing in the rural districts of England. . . . Not only could he rely with confidence on securing a benefice, something which the English divine was by no means certain of, but the remuneration for his services taken as a whole,—salary, parsonage, glebe, and prerequisites—was such as to relieve him from all anxiety about the support of his family."

This method of employing ministers from year to year was subject to constant criticism and was open to attack throughout the whole colonial period.<sup>47</sup> Instructions given by the Crown to one governor after another directed that the rule should be enforced and ministers should be inducted into their parishes; but each governor found after his arrival in Virginia that the sentiment of both vestrymen and members of the General Assembly was so strongly opposed to the enforcement of this instruction that it could not be effectively enforced.<sup>48</sup>

Expedient, and makeshift plan as it was, it worked. It was said that clergy of the best type declined to come to Virginia because of the refusal to induct ministers. It would seem quite certain that some desirable ministers in England, not perceiving the reasons why Virginia was compelled to take such a stand, did refuse to come. It is also quite certain, however, as shown by indubitable records, that the great majority of clergymen who came to the colony were men of good character and reputation, and of faithfulness and moral worth, who were willing to live and work under the conditions enforced upon them because they did understand the need of such a rule. They were willing to give up personal protection for themselves in order to secure a greater and more important protection for the people whom they had come to Virginia to serve.

After all, the ability to look a man of wealth and influence in the face and tell him he has been excommunicated or repelled from the

Holy Communion because of his evil life is something that has been born in all ages of a man's own moral courage and internal fortitude and not of the protection of a civil law. If a minister should prove to be of the timid type, the protection of all the laws in the civil code would not have put sufficient strength into his backbone to enable him to rebuke a leading vestryman for his sins.

Unquestionably, there was an occasional abuse or act of injustice in the treatment of a minister by his vestry. The General Assembly, however, had thrown every possible safeguard around the minister and appeal could always be made to the governor and council, or the General Court, or the General Assembly itself, in any case in which injustice to the minister could be alleged. There are quite a number of instances in the records of the House of Burgesses and of the Council of State of such appeals. In every case investigation was ordered and a decision rendered in accordance with the evidence presented of the facts in the case.

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#### CHAPTER X • NOTES

1. Matthew Page Andrews, *Virginia the Old Dominion*, pp. 122-26.
2. McIlwaine, *Journals of the House of Burgesses of Virginia*, 1619-58/59, preface, pp. xxx and xxxi.
3. The two great sources for the study of the legislative history of Virginia are, first, the records edited by the late Dr. Richard H. McIlwaine, State Librarian, and published by the Virginia State Library. These consist of (a) *The Journals of the House of Burgesses of Virginia*, 1619-1776, in 13 volumes; *Journals of the Council of Colonial Virginia*, 1680-1773, three volumes; *Executive Journals of the Council of Colonial Virginia*, 1680-1739, in four volumes; *Minutes of the Council and General Court of Virginia*, 1622-32, 1670-76. (b) *The Statutes at Large of Virginia*, of the Colonial period, published by William W. Hening in 1823, contain all the laws enacted by the General Assembly as far as Mr. Hening was able to find them and secure copies. A great many laws not published by Hening have been discovered since his day. Most of these have been published in different historical magazines and books, but they have never as yet been assembled into one volume.
4. See Hugh Jones, *Present State of Virginia in 1724*, pp. 62-63. "All the Laws and Statutes of England before Queen Elizabeth are there in Force, but none made since; except those that mention the Plantations, which are always specified in English Laws, when Occasion requires."
5. See Hening's *Statutes* for these sessions, to see the names of the burgesses and the districts they represented. Or see McIlwaine, *Journals of the House of Burgesses*.
6. The actual and full wording of his law has been lost. Only the statement of the change remains as given in Hening, I, 224. The names of the eight shires



as they are there given were James City, Henrico, Charles City, Elizabeth City, Warwick River, Warrosquoyacke (Warwisqueake, on the south side of the James River, west of the Nansemond River), Charles River (later York River) and Accawmacke.

7. The first negroes were brought into Virginia in 1619. Although these first ones were sold as indentured servants and not into lifetime slavery, the custom soon changed and later arrivals were sold as slaves. See a discussion of this matter in Matthew Page Andrews, *The Soul of a Nation*, pp. 275-78.
8. This is a part of Article 7 of Dale's Laws. See Appendix I, p. 412. See these laws in full in Peter Force's *Historical Tracts*, Vol. III.
9. See these acts in McIlwaine's *Journals of the House of Burgesses*, Vol. 1616-58/59, pp. 13-14.
10. See *Encyclopedia Britannica*, under the heading, "Churchwardens," for a brief discussion of their duties. For an instance of constables and churchwardens of the parish being directed to levy fines for overcharging in the sale of ale, see *Statutes at Large of England and Great Britain*, I James IX.
11. McIlwaine, *Journals of the House of Burgesses*, 1619-58/59, p. 10.
12. *Ibid.*, p. 10.
13. Hening's *Statutes*, I, 123-29.
14. *Ibid.*, I, 122.
15. *Ibid.*, I, 123.
16. *Ibid.*, I 123.
17. *Ibid.*, I, 126.
18. As two notable illustrations of the power and influence of the vestries, one may mention the successful fight against the effort of Governor Spotswood to take away from the parishes their right to choose their own ministers and the widespread influence and leadership of the vestries in fomenting resistance to the aggressions of the English Parliament in the Revolutionary period.
19. See *supra*, chapter VI, p. 42.
20. At this time, and for many years later, the governor and council sat with the House of Burgesses in one body. They, therefore, by their individual votes, had a part in all legislation, although they did not have the power that they exercised later when organized as a separate Upper House.
21. Hening's *Statutes*, I, 149.
22. See *supra*, Chapter IV, p. 24.
23. "*Leah and Rachel*," an account of Virginia and Maryland, published by John Hammond in 1656. It has been republished in Peter Force's *Historical Tracts*, Vol. III, No. 14. For a reprint of part, see Appendix VII, pp. 484 *et seq.*
24. See the Act of 1632 in Hening's *Statutes*, I, 191. See, also, Appendix V, p. 433.
25. Hening's *Statutes*, I, 180. The wording of this act, in its mention of the "canons and constitutions of the church of England," seem to indicate a reference to the code of canons adopted by the province of Canterbury in 1603, under the title "Canons and Constitutions Ecclesiastical." When this code was presented to Parliament by the convocation of Canterbury for adoption as the legal code of the Church of England, it was rejected. But, inasmuch as no

- other code was adopted in its stead, it became of much importance and was widely recognized in an unofficial way in the Church of England. See Anderson, *History of the Colonial Church*, I, 141, for a discussion of this subject.
26. These sessions were held in February-March, 1631/32, and September, 1632. See Hening, I, 153-200, for the laws then enacted. See McIlwaine, *Journals of the House of Burgesses* for the account and the journals of these meetings.
  27. Hening, I, 155.
  28. *Ibid*, I, 158.
  29. *Ibid.*, I, 159-60.
  30. *Ibid*, 160-61.
  31. These and other Church laws, or "diocesan Canons" are given in fuller form and with further comments in Appendix V, pp. 426 *et seq.*
  32. Hening's *Statutes*, I, 240-43. The laws concerning the Church are grouped in this code into one act, listed as Act I, with the following preface:  
 "In the first place *Be it enacted* for the advancement of God's glorie and the weale publique, that these orders and constitutions hereafter following concerninge the church government be and remaine in full power, force & vertue:  
 "That there be a vestrie, etc."
  33. *Virginia Magazine of History and Biography*, IX, 50 *et seq.*
  34. See *Accomack County Records*, Vol. I, p. 39. This court order is quoted in full in "*Colonial Churches in the Original Colony of Virginia*," 2nd Edition, p. 101. Published by the Southern Churchman Company in 1907-08.
  35. Hening, I, 290-91.
  36. The laws concerning processioning of lands may be found by consulting the indexes of the several volumes of Hening's *Statutes*.
  37. See, for example, the orders of court of the new county of Stafford:  
 "April 3, 1667. The Court doth order that the Minister preach at three particular places in this County, viz: at the south-east side of Aquia, and at the Court House, and Choatanck at a house belonging to Robert Townsend: to officiate every Sabbath day in one of these places successively until further order." . . .  
 October 8, 1667. Whereas there is noe certain place in the Upper Precincts of this County for the reading of Divine Service, the Court doth order that John Withers, Churchwarden for these Precincts agree for a house to read at the most convenient place."  
 These court orders quoted in full in *Colonial Churches in the Original Colony of Virginia*, 2nd edition, p. 257.
  38. Hening's *Statutes*, I, 250, 277.
  39. *Ibid.*, I, 421, Act X of the session of December, 1656, states: "Whereas, by a former Act of Assembly privilege was granted to any parish to send one or two Burgesses, etc."
  40. *Ibid.*, I, 424.
  41. At that time Charles City County was situated on both sides of the James River, the far greater portion of its territory being on the southern side.
  42. Hening's *Statutes*, II, 356.

43. Writing of the vestries, Dr. Bruce, in his *Institutional History of Virginia in the Seventeenth Century*, (Vol. I, pp. 62-63) says:

"Each of the vestries was composed of the foremost men residing in the parish represented by it, whether from the point of view of intelligence, wealth or social position. . . . In the long run the vestries proved themselves to be of all the public bodies in the colony the most tenacious of their right of independent action, and in their contentions with the Governor, Commissary, and clergy they invariably turned up the victorious party. Thoroughly understanding the local interests of their parishes, they showed as a rule a determination to support their interests whether or not their conduct was opposed to immemorial English customs, or brought them in direct conflict with the most influential personages of the colony. In the firmness and persistency with which they on so many occasions refused to be guided by anything but what was called for by the welfare of their community, they revealed themselves as the earliest defenders to spring up in Virginia of the principle of local administration free from all outside interference. Chosen by the people, they were truly representative of the people within the sphere to which their jurisdiction was confined,—and the example set by them had a powerful influence in nourishing the popular form of government."

44. Bruce, *Op. cit.*, I, 141.
45. Robert Beverley's *History of Virginia*, p. 213. This history was first published in 1705.
46. Bruce, *Op. cit.*, I, 141.
47. See Anderson, *History of the Colonial Church*, I, 470-72. From the standpoint of the Church, and the protection of its ministry, his criticism though strongly overdrawn is valid. And yet it does not appear that the laity of the Church in Virginia could have done otherwise than they did, in view of the situation in which they were left by the Mother Church in England.
48. This question came to an open fight in the effort of Governor Spotswood to enforce the authority he claimed that the king had given him: to induct ministers of his own choosing, regardless of the custom of presentation by vestries of the parishes. This will be discussed in our study of his administration. See *infra*, Chapter XXI, pp. 344 *et seq.*

# Through Storm and Stress

THE period during which Virginia, both in civil and ecclesiastical affairs, was developing her ideals into definite and well organized methods of procedure was an exceedingly difficult one. Removed as it was by 3,000 miles of water from the home land, the colony was vitally interested in the conditions at home and indeed was necessarily influenced by them in the development of her own life.

England was throbbing with a new impulse of national life arising in part from maritime trade and adventure and in part from the extension of its life into colonies in Virginia and New England. A befuddled man sat upon the throne at this critical period in the upsurge of ideals of democracy in government. And Virginia was animated by the two strong motives of a determination to achieve and maintain self-government as a part of the British dominions and at the same time a great love and veneration for the home land and home institutions, including, as a part of their inalienable heritage, their birthright in the Mother Church of their race. Truly the arena upon which was enacted the scenes of growth into freer life in both England and America was a most confusing one.

It is one of the bitter ironies of fate that, at a period of such vital import to the Anglo-Saxon race, a man who so completely misunderstood the situation should have sat upon the throne. That the England in whose people the idea of monarchy is so strongly entrenched that, even after 300 years of colonial expansion, it remains the one unyielding bond that binds together the far-flung dominions of the British Empire, should have been so driven by desperation as to fight against the actions and conduct of their king with a determination which eventually carried him to the executioner's block; that a race which had been developing a national Church of its own through more than a thousand years should have turned against it in protest because of the persecution which a misunderstanding king permitted and encouraged in its favor—these constitute a great anomaly in the history of England and the English people.



The nation recalled its king and restored the national Church to its former establishment after an experience of eleven years of Cromwell's government, but the lessons taught by civil war and the organization of "The Commonwealth of England" have been absorbed into the very warp and woof of English life and ideals. Vital and far-reaching as was the effect of this experience upon the authority of the king, its results and influence were still more vital upon the Church. Driven out by the persecution into various forms of organized dissent, a very great proportion of the English race was forced for conscience sake to leave the Church which their own forefathers had helped to develop and to organize denominational forms of government and administration which have continued,—to the vast hurt of that contribution which the one Faith, as expressed through the ideals and conceptions of the Anglo-Saxon race, must make to the ever-growing and widening spiritual life of the Holy Catholic Church throughout the world. Because of that loss of membership, the Church of England has never since that day, from the standpoint of majority of membership, been the Church of her race. She is still the Established Church of England, but, until her children return, she cannot again be, in its truest sense, the Church of the Anglo-Saxon peoples. Truly a bitter price to pay for the actions of this Rehoboam among kings who, at a critical time, did not understand his people and their needs and did not perceive wherein his own truest and greatest opportunities lay.

Why, of all things, it should have been deemed advisable by King James for the young Prince Charles to contract a marriage with a princess of a Roman Catholic country is hard to understand. It seemed both to the king and his advisers that such a marriage would strengthen England in the world politics of the day; but surely he and his advisers were blind to the thought of the people, both of England and Scotland, when their plan proved successful and King Charles married the Princess Henrietta Maria of France. This occurred a few weeks after his accession to the throne. In its immediate effect, that marriage and the coming to England of a Roman Catholic Queen, with her retinue and chaplains, was sooner or later linked up with the suppression of the puritan or Genevan party within the Church, the advancement to royal favor of the high-church party, the appointment of William Laud as archbishop of Canterbury and the steadily increasing oppression and persecution of dissenters. They all mounted up into the widespread resentment out of which grew the civil war in 1642, the execution of Archbishop Laud, the crushing down of the Established Church, and

the banishment of the Prayer Book altogether from use, and, finally, the execution of their king and the formation of the Commonwealth of England under the government of Oliver Cromwell.

A later result of this marriage was the ultimate rejection of the dynasty of Stuart Kings. Four of the children and grandchildren of Charles I and Henrietta Maria sat upon the throne in succession: Charles II was restored in 1660 and was believed to be a Roman Catholic in secret; James II was openly an avowed member of the Roman Catholic Church and was driven from the throne; Queen Mary, the wife of William of Orange, and Queen Anne; then, because of his Roman Catholic faith, and in spite of rebellion in the effort to put him on the throne of his father, the son of King James II was passed over and the scepter passed away from the Stuarts to the Hanoverian dynasty.

Inevitably conditions in England affected both for good and ill the conditions in Virginia. During the period from 1625 to 1649, the first little colony at Plymouth was growing into the strong colonies of Massachusetts, Connecticut, New Hampshire and Rhode Island. The persecution of dissenters in England resulted in the flight of very brain and brawn of them to New England. Indeed, so great was the exodus from England to New England that in 1638 a proclamation was issued forbidding dissenters to emigrate. Writing of this, Anderson says:<sup>1</sup>

"The number of those who were compelled to flee was so great, that we find Laud complaining of it, in one of his letters to Strafford, as something monstrous; and, at length, a proclamation was issued May 1, 1638, forbidding any one to emigrate, except with a license and certificate of conformity from the Parochial minister. Upon the clergy themselves, also a similar check was placed; for none of them were permitted to leave England, save with the consent of the Archbishop of Centerbury and Bishop of London. The enforcement of such conditions, at such a moment, could, of course, only operate, and was meant to operate, as an effectual bar against the departure of any who felt themselves aggrieved; and we are left at a loss which to deplore most, the severity which, in the first instance, thus drove men from home, or the folly which afterwards kept them shut up within it, when, with affections alienated and passions inflamed, their presence could only be dangerous."

One of the rather startling results of this exodus of Puritans was the plan which Archbishop Laud considered of sending a bishop to New England for the purely political purpose of securing, with the aid of troops if necessary, the enforced loyalty of the Puritan colonies to King and Church. Quoting again from Anderson:<sup>2</sup>

"And here the humiliating fact forces itself upon our notice, that the first symptom of any intention, on the part of the rulers of our Church, to extend her offices and government, in their integrity, to her children, in any foreign plantation, is in immediate connexion with the above painful history. Heylin, in fact, declares plainly that the intention was suggested by the difficulties which had thus arisen. It was deemed 'unsafe,' he says, 'to Church and State, to suffer such a constant receptacle of discontented, dangerous, and schismatical persons to grow up so fast (i.e. as it did in New England) : from whence, as from the bowels of the Trojan Horse, so many incendiaries might break out to inflame the nation'; . . . 'And, therefore, to prevent such mischiefs as might thence ensue, it was once under consultation of the chief physicians, who were to take especial care of the Church's health, to send a Bishop over to them for their better government, and to back him with some forces to compel, if he were not otherwise able to persuade, obedience.' Had it been an enemy of Laud who made this statement, it might have been looked upon as one of the many inventions which their malice was ever quick to devise against him; but we find it recorded by his own biographer and friend, and read further, that the only cause which led this 'design' to be 'strangled in the first conception,' was the breaking out of the troubles in Scotland, we feel it impossible to deny that the plan was contemplated, and are compelled to wonder at the extent of that infatuation which could have framed it only with such intent.<sup>3</sup>

"If the design had been to send out, not to New England, but to Virginia, a spiritual and loving pastor, who would have been mindful to 'hold up the weak, heal the sick, bind the broken, bring again the outcasts, seek the lost,' of 'the flock of Christ' throughout that province, it would have been some reparation of the wrongs which the secular power of England had inflicted upon her, and a just completion of that holy work, of which the foundation had been laid by many faithful members and ministers of her church . . .

"But to appoint a Bishop of the Church, only that he might renew the battle, upon the shores of Massachusetts, with those whom the terrors of the Star Chamber and High Commission Court had driven forth from England; and to 'back him with forces to compel, if he were not otherwise able to persuade, obedience,' was to brand that holy office with severest infamy, and to provoke vehement and stubborn resistance against all, or any, exercise of its authority."

And yet, at this very time Virginia was being forced more and more to care for itself, and work out its own salvation, because there seemed to be no group at all in England who cared. Totally different, however, from her sister colonies in New England, Virginia was steadfastly



loyal to her king, and this makes it all the more difficult to understand the disregard of Virginia by the king, the archbishop and the privy council. It may be true that, after the General Assembly of Virginia in 1627 refused so flatly to give to the king a monopoly of the rich tobacco trade, his resentment against the Colony grew. As a pure guess, it may be suggested that resentment may have had something to do with his permission to Lord Baltimore in 1632 to found the colony of Maryland so close to the Virginian settlements. It was definitely written into the first charter of the Virginia Company that no second or additional colony or settlement under other authority should be made within one hundred miles of the first colony planted,<sup>4</sup> and the second charter gave Virginia 200 miles of seacoast north of Point Comfort.<sup>5</sup> Not only was the southern boundary of the tract given to Lord Baltimore within one degree, or less than seventy miles of Cape Charles and the mouth of the James River, but also the ports and harbors of the new colony could be reached only by passing through the territorial waters of the Virginia colony and along the shores of its settlements. The Dutch were already established on the Hudson River and claimed the territory as far as the southern shores of Delaware Bay.<sup>6</sup> Perhaps it was deemed wiser to ignore the rights of his own people than to offend the Dutch by giving a Roman Catholic proprietor land that might be considered too near to them. At a time when the question of religion as between Protestant and Roman Catholic entered as largely into the motives of political actions and alliances as was the case in the seventeenth century, the fact of establishing a Roman Catholic colony in too close proximity to the American settlements of their own people might have been as offensive to the government of The Netherlands as it was to the people of Virginia.

It was a matter of deep concern to the people of Virginia that the colony of Maryland should have been established in such close proximity and this concern must have been greatly increased when the charter under which it was established was published to them. Far more than the fact of a new colony being established on the north shore of the Potomac River were the conditions written into the charter, the privileges given him, and the purpose for which the colony was established. Lord Baltimore was known to be a Roman Catholic, and it was known that one great purpose he had in mind in establishing his colony was to provide a haven for Roman Catholics in America to which members of that faith might flee when persecution grew too hot in England. It is true that Lord Baltimore planned to establish entire



freedom of religion to all believers in the Christian faith and did honestly endeavor to assure full liberty of faith and worship to both Roman Catholic and Protestant alike. And it is a striking fact that the first serious attack upon this policy was made by the Puritans themselves of that group who, being repressed in Virginia, accepted Lord Baltimore's offer of haven and new homes in Maryland.<sup>7</sup>

Regardless of Lord Baltimore's avowed policy, however, Maryland was looked upon as a Roman Catholic province; and although the number and influence of Protestant groups increased, the power of the Roman Catholic element in that colony was feared in the neighboring colonies for a hundred years. In 1690, after King Louis of France had declared war on England in an effort to restore to the throne the deposed king, a widespread rumor that the Roman Catholics of Maryland were plotting to cross the Potomac River in force, seize the county of Stafford, and from that spearhead overrun the whole colony of Virginia,<sup>8</sup> threw the residents of the neighboring Virginia counties into such uproar and confusion that the militia of the Northern Neck had to be called out in order to restore peace; and as Col. William Fitzhugh of Stafford County quaintly put it compelled him to write "above three quires of paper to quash the storys and settle their panic fears."<sup>9</sup>

The colony of Virginia made no objection to the coming of an occasional Roman Catholic settler provided he was willing to take the oath of allegiance to the King. Indeed it provided haven for at least one prominent Roman Catholic resident of Maryland, Giles Brent, when political conditions made his withdrawal from that province desirable. Upon occasion, a Roman Catholic was permitted to hold office in Virginia after his neighbors had learned to know and trust him. During this whole period, however, Roman Catholic Spain was looked upon as the ancient and inveterate enemy of England, and, in spite of technical peace between the two countries, many an English ship carried a black flag conveniently tucked away in a locker to be raised upon occasion in the Spanish Main should a Spanish ship come above the horizon.

Spanish intrigue had sent spies even to Jamestown itself within the memory of the older inhabitants, and the fact of establishing a colony of Roman Catholics at the very door of Virginia, and within the waters essential to its own defence, made the people of Virginia fear that the way was being opened whereby Spain might eventually gain a foothold within the safe waters of the Chesapeake Bay itself and send its

soldiers in sufficient force to seize and possess the whole colony of Virginia. Not only this, but Virginia had already begun to extend its settlements into the territory given to Lord Baltimore. A settlement had already been made upon Kent Island, in the upper part of the Bay, which had first been established as a trading post by Colonel William Claiborne of Virginia but had grown beyond that status sufficiently to become a parish with a resident minister<sup>10</sup> and to be combined with Chiskiack into a borough with an elected representative in the House of Burgesses.<sup>11</sup>

Upon examination of both the civil and the religious provisions of the charter granted by King Charles to Caecilius Calvert, Lord Baltimore, a very striking fact is at once apparent in their contrast with provisions governing the same matters in Virginia. In a proclamation issued in 1625, a few months after he had ascended the throne, King Charles had claimed the entire property and government of Virginia as being vested in him alone.<sup>12</sup> It was his privilege to appoint governors and other officials and direct the affairs of the colony. It was, for instance, in consonance with this attitude that he demanded of the Virginia Assembly the monopoly of the tobacco trade in 1627. In granting on June 8, 1632, the charter under which the colony of Maryland was founded, the king gave to Lord Baltimore practically all the authority which he claimed for himself in the case of Virginia, reserving only allegiance to himself, and a quit-rent claim of one-fifth of all gold and silver that might be mined in the territory given him. He made Lord Baltimore and his heirs the true and absolute lords and proprietors of the region, with the right to establish courts, to allow or disallow all laws and regulations made by the inhabitants, and practically made Maryland a separate and distinct province or "palatinate" with Lord Baltimore as Prince Palatine, "with as ample rights, jurisdictions, royalties, liberties, immunities and royal rights and temporal franchises whatsoever . . . as any bishop of Durham within the bishopric or county palatine of Durham in our Kingdom of England ever heretofore hath held or enjoyed, or of right could or ought to have, hold, use or enjoy."<sup>13</sup> As far as the Church was concerned, the charter gave to Lord Baltimore "the Patronages and Advowsons of all churches which, (with the increasing worship and religion of Christ), within the said region, islands, islets and limits aforesaid hereafter shall happen to be built, together with license and faculty of erecting and founding churches, chapels and places of worship in convenient and suitable places, within the premises, and of causing the same to be dedicated

and consecrated according to the ecclesiastical laws of our Kingdom of England.”<sup>14</sup>

At a time when the Church in Virginia, left to itself, was doing its utmost to formulate canon laws without any supervision from England and endeavoring against many odds to secure suitable ministers, with no one in England seemingly interested in the matter, the king granted to a Roman Catholic nobleman full authority to establish churches and to select the ministers and to have control of ecclesiastical affairs both as to the founding of churches and ecclesiastical legislation. To his great credit be it said that Lord Baltimore honestly tried to be fair and to establish full religious toleration, but the fact remains that he had it within his power to do otherwise if he had deemed it expedient. The king made a provision for the ecclesiastical interests of Maryland which he did not make for his loyal colony of Virginia.

Shortly after the granting of this charter the king, on April 10, 1634, gave a commission to a group of twelve persons conveying the widest possible powers for the government and control, both civil and ecclesiastical, of the American colonies.<sup>15</sup> The archbishop of Canterbury (William Laud), the archbishop of York, and the bishop of London appear as the first names mentioned in the list of commissioners, and it was provided that all the powers of the Commission could be exercised by the archbishops of Canterbury and York and any five of the other commissioners. This commission in brief granted to the commissioners mentioned power and authority over all the colonies—

“to make lawes, constitutions and ordinances pertaining either to y<sup>e</sup> public state of these colonies, or y<sup>e</sup> private profite of them; . . . and how they shall demaine themselves towards foraign princes . . . or how they shall beare themselves towards us . . . or which may pertaine to y<sup>e</sup> Clargie government or to y<sup>e</sup> cure of Soules among y<sup>e</sup> people there living . . .

“They were given authority to appoint and constitute judges and magistrates politicall and civill . . . and judges and magistrates and dignities to causes ecclesiasticall and under y<sup>e</sup> power & form which to you and five or more of you with the bishops viceregents (provided by y<sup>e</sup> archbishop of Caunterburie for y<sup>e</sup> time being) shall seem expedient; and to ordaine courts pretorian and tribunal as well ecclesiasticall and civill . . . to determine of y<sup>e</sup> formes and manner of proceedings in y<sup>e</sup> same, and of appealing from them, etc.”

If this commission had actually performed the duties given to it, Archbishop Laud and his fellow commissioners would have been placed in full authority over all the English colonies, with the power of the



British government behind them to supervise all actions of both civil and ecclesiastical administration in every colony except Maryland. If its powers had been exercised with a view to the spiritual welfare of Virginia, it would have solved many problems; a plan could have been devised to select and prepare ministers for the Virginian parishes; the Church might have been organized along proper diocesan lines and a bishop might have been sent to organize and direct the Church. Certainly, sufficient power was placed in the hands of Archbishop Laud if he had deemed it desirable to use it this way, but there seems to be no mention in any record of any activity on the part of the commission, and, according to Anderson,<sup>16</sup> the only thought in the mind of Laud as regards sending a bishop to America was to send one to Massachusetts in order to force the Puritans there back into conformity with the Anglican Church.

The authority given under this commission, however, was too broad. The authority over civil government and courts was so extreme that if enforced it would have removed the last semblance of independence and self-government, and, if enforcement had been attempted, Virginia and Massachusetts would have stood together side by side in open resistance as they did 142 years later in 1776.

. . . . .

Virginia staged its first act of resistance to the authority of the king in 1635, when Sir John Harvey, the royal governor, having worn out the patience of the colonists by his pretensions and aroused their intense indignation by his arbitrary conduct, was formally arrested by the members of the Council of State and incontinently shipped back to England, accompanied by representatives of the Council carrying to the king their charges and the evidence of the governor's unjust actions. Immediately upon the arrival of the ship at Bristol, Sir John slipped away to the mayor of the town, and, as the royal governor, secured the arrest of his accusers as being in rebellion against the king's authority and seized all their papers and records. As a result, the king heard the governor's side only, and Sir John was sent back in triumph for three years more of misrule, until increasing evidence of his conduct was reported to the privy council and he was ordered home in disgrace.<sup>17</sup>

An interesting incident in this era of misgovernment, and one that affected the interests of the Church, was the trial and punishment, and



later restoration, of the Reverend Anthony Panton, rector of York and Chiskiack Parishes, in York County. This militant parson felt impelled to express openly his very derogatory opinion of Mr. Richard Kemp, secretary of state, and a partisan of Governor Harvey. Mr. Panton said that:

- (1) Mr. Secretary Kemp was a Jackanapes.
- (2) That the King was misinformed of him, that he was unfit for his place and would be shortly turned out as y<sup>e</sup> other Secretary was.
- (3) That he was poor and proud.
- (4) That he (i.e. Mr. Panton) intended to preach against his (i.e. Mr. Kemp's) pride of a lock he had tyed up with a ribbon as old as Paules.<sup>18</sup>

As a result of this statement, and doubtless of other expressions and conduct of the same sort, Mr. Panton was arrested and tried and convicted of mutiny against the government. He was sentenced to pay a fine of £500 and to make public submission in every parish in the colony; he was deprived of the right to claim and acquire property, condemned to permanent banishment from Virginia, and, if he should come back, any one who saw him was authorized to shoot him on sight.<sup>19</sup> In addition, as it appeared later, Sir John Harvey had taken possession of Mr. Panton's salary and applied it to his own uses.

It is interesting to note that, even with the governor's exercise of arbitrary power, neither he nor the Court could deprive the minister of his parish or depose him. They had to take the roundabout course of forbidding him to claim or acquire property in the colony and ordering his permanent banishment. And the governor, following the example of the king's royal predecessor of an earlier day, himself collected and pocketed the parish income. Unquestionably he was following precedent.

Mr. Panton, however, appealed to the privy council in England, and a new trial was ordered after the removal of Governor Harvey. This second trial resulted in the triumphant vindication of the parson. He was restored to his parish and the salary that had been seized by Sir John was repaid to him out of the proceeds of the sale of the governor's property in Virginia which the General Court had taken at the time of his recall.<sup>20</sup> The general result of the case was a strengthening of the position of the clergy as to the security of their tenure of their parishes.

## CHAPTER XI • NOTES

1. Anderson, *History of the Colonial Church*, I, 398.
2. *Ibid.*, I, 401-2.
3. Heylin, *Life of Archbishop Laud*, I, 369.
4. The "Letters Patent, . . . for several Colonies and Plantations to be made in Virginia, and other parts and Territories of America," dated April 10, 1606, contained the provision: "Provided always, and our will and pleasure herein is, that the plantation and habitation of such of the said colonies, as shall last plant themselves, as aforesaid, shall not be made within one hundred like English miles of the other of them, that first began to make their plantation, as aforesaid." See this charter in full in Hening's *Statutes at Large*, Vol. I, pp. 57-66. This particular passage quoted here is found on page 60.
5. Hening's *Statutes*, I, 88.
6. See Anderson, *Op. cit.*, II, 217.
7. See Matthew Page Andrews, *Tercentenary History of Maryland*, Vol. I, pp. 314 *et seq.*
8. Fairfax Harrison, *Landmarks of Old Prince William*, Vol. I, pp. 131-33.
9. *Virginia Magazine of History and Biography*, Vol. III, p. 257.
10. Goodwin, *The Colonial Church in Virginia*, p. 281, under the name of Richard James.
11. See list of burgesses for the session of February, 1631/32 in McIlwaine, *Journals of the House of Burgesses*; or Hening's *Statutes*, Vol. I, p. 154. The burgess for "Kiskiyake and the Ile of Kent" was Captain Nicholas Martiau, a Huguenot, and the first American ancestor of both General George Washington and Her Majesty, the present Queen Elizabeth, of England.
12. Anderson, *Op. cit.*, I, 456. Hazard, *Historical Collections*, Vol. I, p. 203, gives this proclamation in full.
13. See the charter of Maryland, printed in full in Matthew Page Andrews *Tercentenary History of Maryland*, Vol. I, pp. 924-29. The particular extracts given here are found on pp. 294 and 925.
14. *Ibid.*, I, 924. See a discussion of ecclesiastical rights and privileges—as between Palatine Provinces and Virginia and New England in *Historical Magazine of the Episcopal Church*, Vol. 12, pp. 318 *et seq.*
15. The original of this Commission appears in Hazard's *Historical Collections*, Vol. I, pp. 344-46. A translation into English, made at a somewhat later date, after the Earl of Portland had succeeded the bishop of London as high treasurer of England, is published in *Massachusetts Historical Collections*, Fourth Series, Vol. III, pp. 456-460.
16. See the quotation from Anderson in the earlier pages of this chapter.
17. Mathew Page Andrews, *Virginia the Old Dominion*, pp. 122-27.
18. McIlwaine, *Minutes of the Council and General Court of Virginia*, p. 481.
19. Bruce, *Institutional History of Virginia in the Seventeenth Century*, Vol. I, pp. 208-09.
20. McIlwaine, *Op. cit.*, pp. 494-97. Bruce, *Op. cit.*, I, 208-09.

# Governor Berkeley

## And the Puritans

IT is a tragic fact that, on two separate occasions in the religious life of America, the blind prejudice of one man in England, and his inability to perceive and understand the meaning of cataclysmic movements of thought and emotion developing around him, have produced results which have vitally affected our life, and which have remained in effect down even to the present day. One of these men was William Laud, bishop of London, in 1628, archbishop of Canterbury from 1633 to 1645. The other was William Pitt, prime minister of England in 1783-84. The one, because, as favorite and most influential adviser of King Charles I after the murder of Lord Buckingham, he had it absolutely within his power to formulate and put into effect the attitude of the civil government towards religious dissent and Church administration, and he used that power so harshly and ill-advisedly to repress dissent and persecute dissenters that, before his own execution under the stigma of treason to his country, he had seen his Church dispossessed of its own parishes and bearing the burden of widespread hatred, his king defeated in civil war by his own subjects and virtually held in ward as their prisoner. The other because, in the resentful sense of loss to England of her American colonies, he refused to permit the enactment of a law which would have enabled Samuel Seabury to be consecrated Bishop of Connecticut by bishops of the Church of England and forced him, after more than a year of waiting, to turn hopelessly away and seek consecration by the bishops of the proscribed Episcopal Church of Scotland. On the one hand, a result of Pitt's action brought into the liturgy of the American Church the great enrichment of the office of Holy Communion from that of the Scottish Church. On the other hand, his refusal occurred at that most critical hour when the Methodists of America, though still a society within the Anglican Church, were pressing for some form of ordination which would give them ministers to baptize their children and administer the Lord's Supper. And just as William White in

Philadelphia, fearing the refusal of Parliament to permit bishops to be consecrated for America, prepared and published his pamphlet advising temporarily a Presbyterian form of organization of the Anglican Church in America, so John Wesley in England yielded at length to the pressure and ordained for the American Methodists elders with permission to ordain others. In the cases both of White and Wesley, the motive animating their actions seems to have been the same: a conviction that the Anglican Church in America was doomed because bishops could not be secured.<sup>1</sup>

. . . . .

"The evils which befel our transatlantic colonies during the administration of Laud," wrote Mr. Anderson,<sup>2</sup> "were briefly, the oppression of the Puritans in New England, the neglect of Churchmen in Virginia, and the favour of Romanists in Maryland."

To this one might add that, whether with or without the advice of Archbishop Laud, the retention in the office of governor of Virginia for eight years (from 1629 to 1637) of a man as arbitrary and as disregarding of both the civil and the ecclesiastical rights and the privileges of his people as was Sir John Harvey, was another and a very great evil. In these formative years, when methods of ecclesiastical procedure were being developed into customs and formulated into laws, the churchmen of Virginia were compelled to act without the advice and leadership of a governor in whose devotion and integrity of character they could trust.<sup>3</sup>

It never seemed to occur to Laud, high-churchman though he was, to consider the necessity of sending bishops to Virginia, and of establishing proper diocesan administration. The power to do that was entirely and legally in his hands by the commission given under the king's hand on April 10, 1634, within a year after he was made archbishop—but that power was never used.

A brighter day dawned for Virginia and her Church in the appointment of Sir William Berkeley as Governor, in 1641. A member of one of the distinguished families in England, a devoted follower of his king, and a loyal member of the Anglican Church, he at once won for himself the appreciation and gratitude of the Virginia people by the removal of the disabilities laid by Harvey upon the leaders who had opposed him and restoring them to their former positions of influence in the government of the colony. His arrival made it possible also for the General Assembly to undertake and carry through the revisal of the



laws, both civil and ecclesiastical, in March, 1642-43. One cannot doubt that Sir William was of real and great assistance because of his grasp of conditions and sympathetic understanding of Virginian ideals in formulating the laws governing ecclesiastical administration and procedure. In any study of his character, one must perforce make a distinction between the able and popular constitutional governor of 1642 and the autocratic tyrant of 1676. It is hard sometimes to realize that they were the same man.

This year, 1642, which saw the laws of Virginia so codified, was notable for the beginning of the civil war in England between king and parliament, which resulted eventually in the downfall of the king's government and his own imprisonment, trial and execution. In contrast to the disturbed conditions in England, Virginia was at peace in both civil and religious affairs. The colony had never, from the beginning, attempted to take part in the persecution of dissenters. On the contrary, from the time when Alexander Whitaker wrote that neither surplice nor subscription were mentioned in Virginia, dissenters were invited and welcomed provided they would take the oath of allegiance. Except perhaps under the laws issued by Sir Thomas Dale in 1610, when the infant colony was placed for two or three years under military law, there was no law enacted which, rightly interpreted and understood, forbade dissenters to come or persecuted them after arrival. Sir Edwin Sandys did his utmost to bring the Pilgrim Fathers to Virginia; and, while this effort failed because of factors which he could not control, it is certain that many dissenters did come and were given freedom of settlement. That there were a considerable number of puritans living in Virginia quietly and seemingly at peace with their churchmen neighbors is obvious from the two facts that, first, they felt sufficiently strong in 1642 to write to Massachusetts to send them three Puritan ministers; and, second, that over three hundred of them left Virginia in one group in 1649 and went to Maryland.

Sir William Berkeley's deep and unfaltering devotion to King Charles through all the vicissitudes of that unhappy monarch's reign, and his loyalty to the royal government, must unquestionably have strengthened the determination of the people of Virginia to make manifest their own loyalty. Whatever of resentment that may still have lingered in the memories of the colonists of the iniquities and injustices of Sir John Harvey, and of the king's action in giving so much of their territory to Maryland, seems to have died out in the face of the news that civil war had broken out in England and his enemies

were fighting against their king. With the exception of the groups of Puritans, all the rest of the population of the colony seem to have stood solidly behind the governor in all the actions which he took to express Virginia's loyalty.

The Puritans of Virginia, most of whom were congregated in Nansemond County, on the south side of the James River opposite Jamestown, composed the one exception to the general attitude of the people. The very year that civil war started in England they sent a formal request to the leaders of the colony of Massachusetts to send three Puritan ministers as missionaries to Virginia.<sup>4</sup>

It is exceedingly difficult to see in this action any other motive than the political one of bringing representatives of the strongly organized Puritan government in New England as official messengers to discover such Puritan sentiment as they might find in Virginia and organize it into a body to join with New England and their co-religionists in England in their war against the king. To think otherwise,—to believe that the peaceful minded Puritans of Virginia were seeking in a colony notoriously hostile to the king a few ordained ministers to preach the gospel as they had received it—is to carry the bounds of credulity to an unwarrantable extent.

Virginia was facing its first group of "Fifth Columnists," and the action taken by the governor and council was definite and emphatic. The "missionaries" were ordered to return to Massachusetts immediately, and an order was issued imposing a fine of £100 upon any shipmaster who should bring a Puritan minister into the colony.

This was followed by an Act adopted by the General Assembly at its March 1642-43 session, which directed that "all ministers whatsoever which reside in this Colony are to be conformable to the orders and constitution of the Church of England and the laws therein established; and not otherwise to be admitted to teach or preach publicly or privately." This incidentally seems to be the first time a stringent law was enacted against non-conformist ministers.<sup>5</sup> In spite of this action, however, the Puritans of Virginia appear to have continued active and to have gained some converts. The most prominent of these was the Rev. Thomas Harrison, incumbent of Elizabeth River Parish in Lower Norfolk County, who seems to have been active not only in Lower Norfolk but to have extended his efforts and his preaching of Puritanism up into Nansemond County itself. Because of this continued activity, the attitude of the governor towards them became more repressive as conditions in England grew more tense. Eventually,

after the king was imprisoned, Lord Baltimore sent a special invitation to the Puritans of Virginia to remove to Maryland, and more than three hundred of them accepted his invitation and went to that province in 1649. For the great confusion which they caused in their new home, and their efforts to disrupt and gain control of the government of that province, the reader is referred to the history of Maryland.<sup>6</sup> Dr. Thomas Harrison had left Virginia in the preceding year and fled to New England. He later went to England and rose to high preferment under Cromwell.<sup>7</sup>

The continuing success of Cromwell's forces against the royal government resulted in the abolition by Parliament of the use of the Prayer Book and the adoption of their "Directory of Worship" to take its place. The ordinance forbade the use of the Prayer Book in any church or chapel or place of worship in England.<sup>8</sup> The same day that saw the adoption of the Directory of Worship (January 3, 1644/45) saw also the adoption by Parliament of the bill of attainder against Archbishop Laud, under which, on January 10, 1644/45, he was brought to the executioner's block.<sup>9</sup> The resultant collapse of the Church of England was complete. Clergy who had been loyal to the king were in many hundreds of cases driven from their parishes and ministers of Presbyterian or Independent ordination were instituted into their cures.<sup>10</sup> Some of the loyal or so-called Cavalier clergy fled to Virginia and furnished for a while a supply of able ministers for the Virginian parishes.

The reply of Virginia to the action of Parliament was couched in no uncertain terms. To the ordinance abolishing the Prayer Book and requiring the use of the Directory of Worship, the General Assembly of Virginia replied in November, 1647, with an Act which commanded every minister officiating in any parish in Virginia to use the proper services from the Prayer Book on every Sabbath day, and released the parishioners from the payment of tithes applicable to the minister's salary in any case where the minister failed to use the Prayer Book.<sup>11</sup>

The execution of King Charles on January 29, 1649, was received with a shock of horror in Virginia. The colonial authorities immediately proclaimed Charles II king of England, Scotland, Ireland and Virginia and messengers were sent to him in his exile to inform him of the fact and to proffer Virginia's allegiance to him.<sup>12</sup>

In March, 1651/52 a letter printed and published in London, in which the people of Virginia were called "Rebells and Traitors," was presented to the General Assembly. A very heated and indignant



"Vindication" and denial of the charge was prepared, the final paragraph being as follows:

"Therefore on the whole matter we Conclude: We are resolved to Continue our allegiance to our most Gracious King, yet as long as his gracious favour permits us, we will peaceably (as formerly) trade with Londoners and all other nations in Amity with our Sovereigne: Protect all foraigne Merchants with our utmost force from injury in the rivers; Give letters of Reprisall to any injured within our Capes: Alwaies pray for the happy restauration of our King and repentance in them who to the hazard of their soules have opposed him.

"This is unanimously consented to by the Governor, Councell and Burgesses."<sup>13</sup>

Thus Virginia remained loyal to her King through storm and stress, and to the bitter end—even when all the rest of his dominions had turned against him. If the driving of the Puritan missionaries back to Massachusetts and the repression and final expulsion from her borders of the Puritan enemies of the royal government is to be accounted religious persecution, the Church of Virginia will bear that accusation proudly as a badge of honorable loyalty and not as a stigma of reproach.

. . . . .

Oliver Cromwell's next step in the consolidation of the Commonwealth of England under himself as protector, after having gained control of England and Ireland, was to send a commission to America to demand the subjection of Virginia to his government.<sup>14</sup> The commissioners arrived in Virginia in March, 1651-52, bristling with authority to call upon the naval and military forces of the Commonwealth of England and to enlist recruits in Virginia. They were authorized further to offer freedom to all servants, both white and negro, if necessary. Upon their arrival, they found Virginia with its militia under arms, batteries erected along the river and a fleet of Dutch vessels which had been "borrowed" or impressed for purposes of defense. The colony was ready for peace or war. But neither Cromwell nor Virginia wanted war. Cromwell had shown by the very personnel of the commission which he had sent that, after securing the peaceful acceptance by Virginia of his administration, he was willing to leave the colony to govern itself. Of the four commissioners whom he appointed, Richard Bennett, William Claiborne, Thomas Stegg, and Robert Dennis, the first three were long-time residents of Virginia and had risen to positions of authority under Berkeley's government. Stegg and Den-



nis were lost at sea on the way over, and Edmund Custis took their place as a third commissioner.<sup>15</sup>

"In consequence of sundry conferences," writes Matthew Page Andrews, in *Virginia, the Old Dominion*, "articles were drawn up which granted to Virginia greater privileges than she had before enjoyed. In fact, a perusal of the agreement gives the impression that the Virginians had won a military victory and were themselves dictating honorable terms of surrender."<sup>16</sup> General amnesty was to be declared, and no one was to be prosecuted for any past acts of hostility to Cromwell or his government. Virginia was given the right to elect its own governor. No taxes were to be levied on the colony without the consent of the Burgesses as the representatives of the people. Provision was included that the parishes in Virginia might continue for a year to use the Prayer Book in the Church services, provided the prayers for the King and Royal Family were not publicly used. This agreement having been reached, the Church of Virginia continued to use its Prayer Book very generally throughout the whole period of the Commonwealth, and until the Restoration in 1660.

## CHAPTER XII • NOTES

1. See a further discussion of this subject in the chapters dealing with the post-revolutionary period.
2. Anderson, *History of the Colonial Church*, Vol. I, p. 445.
3. Sir John Harvey arrived in Virginia as governor in March 1629/30. He was finally recalled in disgrace in 1639. See Matthew Page Andrews, *Virginia the Old Dominion*, 114-127, *passim*. Stanard, *Virginia Colonial Register*, under List of Governors.
4. Matthew Page Andrews, *Op. cit.*, pp. 130-131.
5. Hening's *Statutes*, I, 277.
6. Andrews, *Tercentenary of Maryland*, I, pp. 214-50. John Hammond in his *Leah and Rachel* gives the following account:

"It is to be understood that in the time of the late King, Virginia being whol for monarchy, and the last country belonging to England that submitted to obedience of the Common-Wealth of England. And there was in Virginia a certaine people congregated into a Church, calling themselves Independents, which daily increasing severall consultations were had by the State of that colony, how to suppress and extinguish them; which was dully put in execution, as first their Pastor was banished, next their other Teachers, then many by informations clapt up in prison then generally disarmed (which was very harsh in such country where the heathen lie round about them), by one Colonel Samuel Mathews then a Counsellor in Virginia, and since Agent for Virginia

to their then Parliament, and lastly in a condition of banishment, so that they knew not in those streights how to dispose themselves.

. . . . .

"Maryland was courted by them as a refuge, the Lord Proprietor and his Governor solicited to, and severall addresses and treaties made for their admittance and entertainment into that province, their conditions were pittied, their propositions hearkened to and agreed on, which was that they should have convenient portions of land assigned them, libertie of conscience, and priviledge to choose their own officers, and hold courts within themselves; all which was granted them, they had a whole county of the richest land in the province assigned them and such as themselves made choyce of, etc.

"They sat down Joyfully, followed their vocations chearfully, trade increased in their province, and divers others were by this incouraged and invited over from Virginia.

"But these people finding themselves in a capacitie not only to Capitulate but to oversway, those that had so received and relieved them, Began to pick quarrels, first with the Papists, next with the oath, and lastly declared their aversness to all conformatie, wholly ayming (as themselves since confessed) to deprive the Lord Proprietor of all his interest in that country, and make it their own." *Leah and Rachel* has been republished in Peter Force's *Histrical Tracts*, Vol. III, No. 14. The above extracts are from pp. 22 and 23.

7. Goodwin, *Colonial Church in Virginia*, p. 277.
8. Anderson, *Op. cit.*, I, 434.
9. *Ibid.*, I, 435-37.
10. *Ibid.*, I, 425-34, and especially 431-34.
11. Hening's *Statutes at Large*, I, 341-42.
12. Matthew Page Andrews, *Virginia the Old Dominion*, pp. 129-30, and footnote.
13. McIlwaine, *Journals of the House of Burgesses*, Vol. 1619-1658/59, pp. 77-78.
14. *Ibid.*, 131-32, E. D. Neill, *Virginia Carolorum*, 217 *et seq.* The "Instructions for Capt. Robert Dennis, Mr. Rich. Bennett, Mr. Theo. Steg and Capt. William Claiborn, appointed Commissioners for the reducement of Virginia and the Inhabitants thereof to their due obedience to the Commonwealth of England," are given in full in the pamphlet "Virginia and Maryland, or Lord Baltimore's Printed Case Uncased, etc." printed in London in 1655 and published in Peter Force's *Historical Tracts*, Vol. III, No. 9.
15. Andrews, *Op. cit.*, Vol. III, No. 9.
16. *Ibid.*, 132-33.

# The Era of the Commonwealth

THE colony of Virginia exercised greater independence of self-government during the period of the Commonwealth than at any other time, either before or after, until its declaration of independence of Great Britain in 1776. The General Assembly, immediately after the surrender of the colony to Cromwell, became the supreme authority in the colonial government, and, within the Assembly itself, the power rested entirely in the House of Burgesses.

Under the laws then in force, every county was entitled to two burgesses, to be elected by the qualified voters of the county, and, in addition, every parish had the right to elect burgesses of its own to represent more particularly the interests of the people of its own immediate territory.<sup>1</sup> No record now in existence seems to indicate that these parochial burgesses were chosen to represent ecclesiastical interests as distinguished from secular; nor indeed does there seem to be any way of ascertaining how many parish burgesses were elected either at any one time or in all. The fact is perfectly clear from the laws enacted that such burgesses were, from time to time, elected, but, as soon as the Assembly met, they seemed to merge with the county burgesses into one body.

During the whole period of the Commonwealth, the House of Burgesses not only elected the governor and secretary of state of the colony but chose also the members of the upper house, or Council of State. Indeed, the function of the Council, as a separate house of legislature, was, during the earlier years of the period at least, abolished, and, apart from acting as advisers to the governor, the duties of the councillors were confined to the judicial function as member ex-officio of the General Court of the colony.<sup>2</sup> The county commissioners of the several counties were also to be chosen by the House of Burgesses instead of by the royal governor as theretofore.

These higher officials, the governor and members of the Council of State and the secretary of state, had under the regal government been

appointed by the king, and the governor nominated the commissioners of every county. They, therefore, both before and after the period of the Commonwealth, represented the authority of the king. So the change put into effect by Virginia's surrender to the Commonwealth was a very radical one, in that it placed all power, legislative, executive and judicial, in the hands of the elected representatives of the people. Another notable step was taken by the Assembly in March, 1655/6, whereby the right of voting for burgesses, which previously had been confined to property holders, either in fee-simple or by leasehold, was expanded to include all freemen, regardless of the ownership of property.<sup>3</sup>

The House of Burgesses exercised supreme authority in the government of Virginia to the end of the Cromwellian period and the collapse of the Commonwealth. There was an exceedingly sharp passage of communications between the House of Burgesses and the governor, Samuel Matthews, in April, 1658, when Governor Matthews, following the example of earlier royal governors, and seemingly having listened to some very bad advice from one or two of his councillors, issued an order dissolving the General Assembly and directing the speaker of the house to dismiss the burgesses. Whereupon the House, refusing to be dismissed, very indignantly required the governor to make one apology after another until one satisfactory to the dignity of the House was received. Then the following declaration was drawn up and entered upon the records.<sup>4</sup>

"The Burgesses, takeing into consideration the many letts and obstructions in the affaires of this Assembly and conceiving that some persons of the present councill endeavor by setting up their own power to destroy the apparent power resident only in the burgesses, representatives of the people, as is manifest by the records of the Assembly:

"Wee the said Burgesses do declare, That we have in our selves the full power of the election and appointment of all officers in this country until such time as wee shall have order to the contrary from the supreme power of England. All which is evident upon the Assembly records.

"And for the better manifestation thereof and the present dispatch of the affaires of this cuntry we declare as followeth:

"That wee are not dissolvable by any power yet extant in Virginia but our owne, That all former election of Governour and Councill be void and null; That the power of governour for the future shall be conferred on Coll. Samuel Mathewes, Esq. who by us shall be invested with all the just rights and priviledges belonging to the Governour and Capt. Generall of Virginia, and that a councill shall be nominated, appointed and con-



firmed by the present burgesses convened, (with the advice of the Governour, for his assistance.) And that for the future none bee admitted a councillor but such who shall be nominated, appointed and confirmed by the House of Burgesses as aforesaid, untill further order from the supreme power in England."

And that was that.

Also, the Cromwellian period was drawing to an inevitable close, and the General Assembly of Virginia was very careful in this declaration not to specify wherein the supreme power in England was vested.

In more than one enactment during the period of the Commonwealth, the General Assembly of Virginia, in very definite terms, acknowledged the authority of Oliver Cromwell as Lord High Protector. But, from the terms of surrender of the colony down through the whole period, it would seem as if Cromwell and his advisers of the Council of the Commonwealth did not quite know how to handle the independent spirit of the colony. From their standpoint, they took the position that a provisional government existed in Virginia which in due time would be changed into a government formed more directly according to the ideas of the Protector and the Parliament. Cromwell, however, seems never to have reached the point of presenting a form which he desired Virginia to accept. Perhaps he was too busy; perhaps, also, he preferred to let sleeping dogs lie and was willing to compromise on a nominal allegiance of his Anglican-minded colony. He died without ever having raised this issue in the colony.

On September 7, 1658, Henry Lawrence, the president of the Council of the Commonwealth of England, in writing to announce the death of Oliver Cromwell on September 3, 1658, and the appointment of his son, Richard Cromwell, as Lord Protector, made the following statement:<sup>5</sup>

"The present condition of affairs (i.e. of Virginia), appearing under some unsettledness through the looseness of the government, the supplying of that defect hath been taken under serious consideration and some resolutions past in order thereunto which we suppose would have been brought into act by this time if the Lord had continued life and health to his Highness. . . . And therefore wee have thought fitt to signifie the same unto you, which wee require according to your duty that you cause his said Highness, Richard, Lord Protector, forthwith to be proclaimed in all parts of your colony. And his Highnesse Council have thought fitt hereby to assure you that the settlement of that collony is not neglected, and to lett you know that you may expect shortly to receive a more extended testimony of his Highness care in that behalfe."

Virginia promptly acknowledged Richard as Lord Protector, but no further message came as to any change in the existing government, and the colony went her own way as before. Richard Cromwell resigned his office on April 22, 1659, and England floundered for a year until the restoration of King Charles II on May 29, 1660. In the meanwhile, however, because of the death of Governor Samuel Matthews in January 1659/60, a vacancy arose in the governorship of Virginia after the news had come of Richard Cromwell's resignation. As soon as the House of Burgesses could assemble in March, 1659/60, the irreconcilable old royalist, Sir William Berkeley, was elected governor. So he came back to the position which he had resigned eight years before in utter unwillingness to acknowledge the authority of the Commonwealth and resumed his office just in time to welcome the son of his former king to the throne of his father and to receive from him a new appointment as the governor of his majesty's royal colony of Virginia.<sup>6</sup> And so, also, from another standpoint, an era ended in which the colony of Virginia had made very definite advances in independent self-government, and had learned lessons in the practice of independence, which bore fruit later on and in many ways.

A very interesting and suggestive action was taken by the House of Burgesses at their meeting in July, 1653. This was the second session of the General Assembly under the Commonwealth, and just as the House of Burgesses was becoming accustomed to its new position of supreme authority in the government of the colony. It seems that an ordained minister, the Rev. Robert Bracewell, had been elected a burgess, either by the county of Isle of Wight, or by one of the two parishes, Warwisqueake or Newport, existing in that county. This was the first time that a minister had ever been elected a member of the House of Burgesses, and the House promptly sent him back home on the skids of the following resolution:<sup>7</sup>

"It is ordered by this present General Assembly That mr. Robert Bracewell, Clarke, be suspended, and is not in a capacitie of serving as a Burgess, since it is unpresidential (i.e. unprecedented) and may produce bad consequence."

The House was quite obviously following the rule in force in England, that no clergyman could sit as a member of the House of Commons. The matter had never come up hitherto in Virginia, although some of the older settlers may perhaps have remembered that the written instructions given by King James to the first colonists at James-

town in 1607, in directing an annual election of a president and *de facto* governor of the colony, expressly forbade the election of a minister to that office.<sup>8</sup>

The precedent set by the house in the case of Mr. Bracewell remained in force thereafter throughout the whole colonial period, and even later for several years, in the independent Commonwealth of Virginia.<sup>9</sup>

One cannot but wonder, however, whether in the infiltration of Puritans into Virginia Mr. Bracewell might have represented a constituency of Puritan leanings, and, with the great influence of the ministers in politics and legislation in the Puritan colonies of New England in mind, the General Assembly of Virginia was putting its foot down very emphatically upon a possible appearance of theocratic government in its own Assembly. There is no evidence one way or the other in the case of Parson Bracewell. It is simply a surmise based upon the disturbed condition of the times and the assumption that a minister loyal to his Church and her ways would not have accepted an election as burgess.

. . . . .

Legislation dealing with religion and the Church during this period shows the Assembly endeavoring to adapt the Church as far as possible to the new conditions. In a general revisal of the laws of the colony accomplished at the session of March, 1657/8, the first act deals with the government of the Church.<sup>10</sup>

"Bee it enacted by this present General Assembly concerning Church government as followeth: That all matters concerning the vestrey, their agreements with their ministers, touching the church-wardens, the poore and other things concerninge the parishes or parishoners respectively be referred to their owne ordering and disposeing from time to time as they shall think fitt, etc."

This Act does not appear in Hening until the session of 1657/8; but it would seem probable that it had been enacted much earlier in that period. Indeed, it would seem almost obvious to one familiar with the strong and continuing interest shown in the welfare of religion in the colony by the General Assembly that, just as the organization of the government under the authority of the House of Burgesses had been completed, the House would take also into consideration the condition of the Church. From the very fact that the terms of the surrender to Cromwell gave no direction as to what should be done about the use

of the Prayer Book after the year had elapsed in which its use was permitted, it would seem all the more certain that the House would take the whole subject into consideration at the earliest possible moment. Any action which they might take in such a delicate situation would very wisely be couched in most general terms. There is no official record anywhere of any action explicitly permitting or forbidding the further use of the Prayer Book, but a law enacted in 1653, directing "that all matters concerning the vestrey, their agreements with their ministers, . . . and other things, . . . be referred to their own ordering," would have covered the situation quite satisfactorily. The phrase "and other things" was quite large enough to hold the Prayer Book. For that reason, if for no other, one may believe that some law in the general terms of the Act of 1657/8, if not the identical act, must have been adopted in 1653.

Other considerations also came into the picture. The king, the temporal head of the Church, was dead. The archbishop of Canterbury, as the highest ecclesiastical authority in the Anglican Church, was dead also, and no successor had been appointed. No one in his wildest dreams would concede to Cromwell either a spiritual or a temporal authority over the Church in Virginia. The General Assembly, therefore, must legislate more widely than ever before for the welfare of the Church. The first step would be to extend to the several parishes a fuller authority to handle their own local affairs. Each parish had already by law of long standing a right to elect and send a burgess to represent it,—provided they elected a layman—. Further rights were now given by a sort of blanket act covering all local affairs. A date of 1657/8 for the enactment of such a law seems entirely too late. It was necessary, at the beginning of the period, rather than at the end.

Loosely interpreted, this Act, whether first adopted in 1653 or 1657/8, might be understood to mean that the previous laws fixing a required salary for every minister of a parish were no longer in force, and each vestry could make such arrangement as it saw fit with the minister whom it called. This interpretation has indeed been given by some writers; although, on the other hand, if the General Assembly had really so intended it, one might naturally expect that the earlier laws fixing the ministers' salaries would have been repealed in and by the Act which released the vestries from the requirement of a fixed salary. As shown by other acts passed during this period, the Assembly tried to secure a larger supply of ministers by increasing their emoluments. It would be hard to think that they would enact another law



abolishing the fixed salary and leaving it to vestries to set the stipends to be paid in their respective parishes.

It would perhaps be a better surmise to suggest that, in view of conditions in England, and the desire to continue on friendly terms with the Lord Protector and Parliament, the General Assembly was leaving to each individual vestry and each parish to decide whether they would call a Puritan minister to the charge of the parish or continue to use the Prayer Book. Each parish was given the right to make its own choice, dependent, presumably at least, upon the will of the majority of the parishioners. The king was dead and his cause had been defeated. There was no longer any need to make the Church service a shibboleth.

Nothing whatever can be learned from any known record of the use of the Prayer Book in the Virginian parishes after the year in which the terms of surrender permitted its use. The strong presumption is that the parishes as a rule continued to use it straight through the whole period. There is no record of the repeal of the law of 1647 requiring its use; and such a repeal, if it had been enacted, would have proven so very pleasing in parliamentary circles that it would have received wide attention. A much stronger argument for the Prayer Book might seem to base upon the fact that Virginia absorbed all the Cavalier clergy who could be induced to come over;<sup>12</sup> and one cannot imagine a Cavalier clergyman in Virginia being willing to serve in a parish which had abandoned the use of the Prayer Book. It was still a badge of loyalty to an ideal, even if it were nothing more.

It is known, however, that a few non-conformist clergymen did come to Virginia during the period of the Commonwealth and became ministers of parishes within the colony. Notable among these were the Rev. Francis Doughty and the Rev. Daniel Richardson, both of whom served as ministers of Hungars Parish in Northampton County on the Eastern Shore. Of Daniel Richardson, very little is known. Even the date of his coming to Virginia is not given. All that is really known is that he was not episcopally ordained, and that, succeeding Rev. Francis Doughty, who left the parish about 1660, he continued as incumbent until 1676.<sup>13</sup>

Francis Doughty was much more colorful. He is said to have come to Virginia from New England in 1649. He appears as minister of Hungars Parish between 1655 and 1660, and after that date he served the parishes of Sittenbourn and Farnham in (old) Rappahannock County until 1668 and perhaps later. On August 4, 1661, he took the

oath of allegiance to King Charles II, in the Westmoreland County Court, although there is nothing to show whether or not he held a charge in that county at that time. Quite possibly he did. Complaint was made against him to Governor Berkeley in 1668 by two members of Sittenbourn Parish that he had refused to give them the Holy Communion. The charge was made, also, that he was guilty of "scandalous conduct" in that he had said unseemly things about the king. The governor promptly ordered the county court of Rappahannock County to investigate the charges, and, if proven, to dismiss the parson from his parish; but no record exists to show the results of their investigation. Before forming an opinion, one might prefer to know the reasons that impelled the parson to repel these communicants from the Holy Table; and, as for saying unseemly things about his Majesty, that royal gentleman certainly laid himself open to people to say many things about his conduct. Somehow one's sympathy goes out to the old Puritan parson.<sup>14</sup>

An incident which throws some light upon the attitude of the people of Virginia was the case of a marriage which was performed in Northumberland County in 1656 and repeated in Lancaster in 1657. One John Meredith (or Mereday) and Ann Nash were married on September 11, 1656, the ceremony being performed by Col. John Trussell, a justice of the peace of Northumberland, "according to the Act of Parliament 24th August, 1653." This marriage, in accordance with the provisions of that law, was recorded in the court records of Northumberland County in the following words:

"Certificate of Marriage. 11 Sept. 1656. Jno Merryday & Mrs. Ann Nash, als Mallet were married by Coll. Jno. Trussell, according to Act of Parliament 24 August, 1653. Witnesses Geo. Colclough Leonard Spencer & Jno Carter. Rec. 20 Sept. 1656."

Ten months later the following certificate appears in the same court record:

"To all such whom it may concerne. These are to certifie that John Meredith & Ann Nash being three times Published according to Law were married at Currot<sup>on</sup> (Corotomon), on the 14th of this instant July, 1657 per mee Samuel Cole, Minister *ibidem*.

20th July 1657 this Certificate was Recorded."

The Act of Parliament under which Col. Trussell performed the marriage was enacted August 25, 1653, and was declared to be in effect in England and Ireland. It took the duty of performing mar-

riages entirely out of the hands of the clergy and directed that it must be performed by justices of the peace after preliminary notice had been given on the three preceding Sundays "at the close of the morning exercises in Church or Chappell"; or else after notice given in the nearest market town on three market days in successive weeks. It made marriage purely a civil instead of a religious ceremony and further ordered that no other form of marriage should be accounted valid according to the laws of England.<sup>14a</sup>

The data in this case is quite insufficient to show clearly the reasons why John Meredith and Ann Nash should have been twice married to each other. John Meredith, or Mereday, lived in Lancaster County and, presumably, Ann Nash lived in Northumberland. Our records do not show the name of a minister in Northumberland County at that time, and the Rev. John Gorsuch, the minister in Lancaster, died in that year, 1656. The laws of Virginia made no provision for the performance of the marriage ceremony by anyone except a minister of the Anglican Church; although, because of the necessity of the times, the law winked at the performance of marriages by a lay official, the reader of the parish, when there was no minister to be had. Whatever the situation was, however, the fact appears that John Meredith and Col. John Trussell both acted upon the assumption that the new law about marriages enacted by the English Parliament three years earlier was in effect in Virginia. So the Colonel performed the marriage under authority of that Act, collected his fee, and John and Ann had their marriage recorded, as required by that law, in the Court records instead of in the parish register, and went home more or less happily married.

Within a few months, a new minister, the Rev. Samuel Cole, came to the parishes in Lancaster and found one John Meredith, Shipwright, residing in his parish of Christ Church, and living in marriage with one Ann Nash under the authority of an Act of Parliament; and John and Ann came decidedly into the local limelight. The objections were two-fold. First: they had entered into a civil contract of marriage, but not into a Christian marriage according to the teachings of the Church and the meaning of the marriage service in the Prayer Book. Second: the law under which the marriage was performed did not mention the colonies, had never been enacted by the General Assembly of Virginia and consequently was illegal. The result was that the parson announced the banns of matrimony of John and Ann on three several Sundays in the parish Church, "according to law" and then married them. Then,

in addition to making the usual record of the marriage in his parish register, he rode over to the court house of Northumberland County and had his certificate of this marriage entered upon the court records for all the world to see.

So today the two certificates appear in the court records of that county—the one a marriage under the law of Cromwell's Parliament; the other, a marriage ceremony performed later to make that earlier marriage valid under the laws of Virginia. It is also worthy of note that, at the next meeting of the General Assembly, held in March, 1657/58, a clause was inserted in an Act entitled "Church Government Settled, which declared succinctly: "and the minister only shall celebrate marriages."<sup>14b</sup>

. . . . .

Another right affecting the Church which the House of Burgesses gave over to the county courts during this period was the formation and erection of new parishes. This authority, as has been already related, had always prior to that time been exercised by the General Assembly itself, but, at the session of March, 1655/6, an act was adopted which gave it to the county courts.<sup>15</sup>

This change appears to have been called for not so much by the needs of the Church in the older counties as by the needs of the new counties which had been formed between 1650 and 1655. By the very wording used, it seems intended to apply to those new counties in which parishes had not yet been formed or churches erected. There seems to have been an unusual condition in existence at the time which would make such a law desirable.

With one exception, all these new counties were in the territory north of the York and Mattaponi Rivers. The exception was Surry County, formed in 1652 from that part of the territory of James City County lying south of the James River. There were two parishes within that territory, (Chippokes and Lawne's Creek Parishes), both of which had been in existence for a number of years before the new county was formed. The other counties formed during that period were in order: Northumberland, unofficially recognized in 1645, and made a full county in 1648; Gloucester in 1651; Lancaster in 1651; Westmoreland in 1653; New Kent in 1654;<sup>16</sup> and old Rappahannock in 1656.<sup>17</sup>

At the meeting of the General Assembly in June, 1642, as reported by Governor Berkeley in his "Remonstrance," or account of the work done at that session, he included "the settling of peace with friendship



with the Indians by mutual capitulation and articles agreed and concluded on in writing.”<sup>18</sup> This treaty was soon broken, and on April 18, 1644, occurred the “Second Great Massacre” by the Indians. Like the first massacre of March 22, 1621/2, this later attack was led by the aged Opechankanough, implacable enemy of the English. He was captured and died in prison in Jamestown, and the English, during the next two years, carried the war into Indian territory until finally they sued for peace. The treaty of peace as agreed upon between Necotowance, “King of the Indians,” and the colonial government was approved by the General Assembly in October, 1646. One of its provisions was:<sup>19</sup>

“Art. 2. That it shall be free for the said Necotowance and his people to inhabit and hunt on the north-side of Yorke River without any interruption from the English. Provided that if hereafter it should be thought fitt by the Governor and Council to permitt any English to inhabit from Poropotank downwards, that first Necotowance be acquainted therewith.”

Previous to this date, there had been a certain amount of settlement especially upon the Pianketank River, but, under the terms of this treaty, all settlers within the region given to the Indians were ordered to be removed, and it was made a felony for an Englishman to go to the north side of the York River without good reason. The territory thus excluded from settlement included the whole valley of the Rappahannock River, extending to the Wicomico River; the section from the Wicomico to the Potomac was already so thickly settled that it was even then in process of being formed into Northumberland County.<sup>20</sup> Quite obviously, however, so large a stretch of land intervening between two sections of the colony could not long remain in the hands of the Indians.

This fact, along with the alleged reasons of increase of population and the wearing down into infertility of land used in the culture of tobacco, resulted in such pressure upon the General Assembly that, at the session of October, 1648, an act was passed opening this reserved section to settlement as of September 1, 1649.<sup>21</sup> The inflow of settlers must have been very rapid and widespread over the whole section, because, within two years, both Gloucester and Lancaster Counties had been organized; and, within three years more, by 1654, New Kent County had been formed; and a new parish erected in the western part of Lancaster County, which, in 1656, was made into the new

county of Rappahannock. Northumberland County also, lying on the Potomac, was divided and Westmoreland County formed in 1653.

It was for the benefit of these new counties erected in such quick succession that the General Assembly in March, 1655/6,<sup>22</sup> enacted the law giving permission to divide their respective counties into parishes according to the best judgment of the local county commissioners. It further directed that parish tithes in the amount of fifteen pounds of tobacco per poll be assessed in each parish and applied toward the erection of church buildings and the purchase of glebes in anticipation of securing a minister. Until such time as a parish so set up should have been organized by the election of a vestry, these first tithes were to be collected and disbursed by the county commissioners. This Act was re-enacted with certain changes in the revisal of the laws in March 1657/8.<sup>23</sup> The principal change was to direct that the tobacco so collected be placed in the hands of the churchwardens of each parish instead of being received and disbursed by the county commissioners; which would seem to indicate that, by this time, the new counties had all been divided up into parishes and that each parish had organized and had its own proper officials to perform the necessary duties.

It is to be noted that this permission given to county commissioners to establish parishes seems to have been effective in the new counties only, because, even after the adoption of this law, the House of Burgesses itself acted on April 1, 1658, to form the new parish of Middletown by combination of the already existent parishes of Middle Plantation and Harrop in the counties of York and James City, respectively, and amended the boundary line between Chickahominy and Wallingford Parishes without seemingly any reference to the county commissioners of James City County.<sup>24</sup>

. . . . .

The problem of securing ministers became increasingly difficult as time passed. Among the great numbers of royalist clergy sequestered from their parishes in England by the victorious forces of Cromwell, a few—a very small number as compared with the total number of ministers forced out—were willing to risk the dangers of emigration and came to Virginia. These few were enough for a time to supply the needs of the colony, but very shortly even that source of supply seemed to fail. The disturbed conditions of the times prevented many men from seeking ordination who in normal times would have entered the ministry, and, in the general hostility to the Church shown by the rul-

ing groups in England, the Virginian authorities would not know where to turn for help in securing ministers. Being thus forced to rely upon its own efforts, the General Assembly took two steps which they hoped would be useful in increasing the supply. Both of these were enactments adopted at the session of December, 1656.

The first was an act offering a reward of £20 to any shipmaster or merchant who should secure and bring over of his own motion a minister to the colony without being commissioned to do so by the parish.<sup>25</sup> The wording of this act indicates the custom usually followed by vestries seeking a minister. It was quite the usual rule for vestrymen, in case of vacancy, to commission one of their number who planned to go to England to seek out and secure for them another minister; or else vestrymen would correspond with their agents in England requesting the agents to select a worthy minister whom they would recommend, present to him the opportunity of securing a parish in Virginia, and, if he should decide to come, make provision for the expenses of the trip. The cost of this service would naturally be borne by the parish. But this new law, while not interfering with the plan customarily followed, made it possible for a merchant owning a fleet of ships, or an independent shipmaster, to seek and find with the aid of friends in England a worthy minister and bring him to Virginia, with the assurance that the civil government of the colony would see to it that the parish to which the minister went should pay the sum of £20 sterling, or two thousand pounds of tobacco. The prime requirement was that the minister must be "sufficient," both as to character, education and ability to make vestrymen desire to extend him a call. Virginia was not interested in employing ministers of unworthy character or of the time-serving kind. A shipmaster who brought over one of either type might eventually find himself with an unwanted minister on his hands and no £20 reward.

The second step was an Act which made a definite and valuable increase in the emoluments of the minister who came to Virginia, and, according to its wording, appears to have affected every minister who came, even if he did not secure a parish.<sup>26</sup>

The purpose declared in the first sentence of this Act, "That they may be the better enabled to attend both public commands and their private cures," is difficult to explain, at least insofar as the "public commands" is concerned. No evidence has appeared to show what public commands or duties outside the sphere of their private cures was laid upon the minister.

Apart from this, however, the law seems to be confused in that it puts into one enactment two diverse legal provisions without sufficient distinction between them. The first provision is that each minister, and six servants of his family, were to be free from all public levies; the second is that a commission seems thereby to have been set up consisting of two well-known clergymen, the Rev. Phillip Mallory and the Rev. John Green (elsewhere spoken of as Rev. Roger Green), who were to make report to the governor and council of the qualifications, and presumably the characters, of the clergy, both resident and newcomers.

The grant of freedom from public levies must have been of very real value to the minister. Apart from a tax upon all tobacco exported, and a two-shilling tax per hundred acres of land as quit-rent, all money required for the support of the colonial government and the expenses of the several counties came from a per capita poll-tax. Parish tithes were assessed in exactly the same way, at so many pounds of tobacco per poll. Although minor changes were made once or twice in the law, every free male over sixteen years of age and every slave or bond-servant, either male or female, who had reached that age, was subject to the poll-tax under the technical name of "tithable." The minister, therefore, was assured of freedom from poll-taxes for himself and family and for a moderate number of household servants and farm laborers to cultivate his glebe. This Act put into the statute law for the first time the plan ordained by the Virginia Company, that six colonists should be sent over to Virginia for each parish, to live upon the glebe land of the parish and cultivate it on equal shares, one-half for the colonist and the other half for the minister.<sup>27</sup>

But the most notable thing about this law is that the General Assembly, for the first and only time, tried to establish in the Church in Virginia an ecclesiastical authority above the parishes. It seems to have been purely tentative; but, with conditions in the Church at home such as they were, and with all ecclesiastical authority in the Anglican Church in chaos, the best, and indeed the only thing Virginia could do was to appoint a commission of tried and proven ministers to examine the qualifications of the clergy and report to the governor and council. Whether their duties included reports upon the character and qualifications of both resident clergy and newcomers seeking parishes is not clear. All, perhaps, that is clear is that the General Assembly recognized the conditions of the times and were trying to meet them and to protect the Church as best they could.



This might have developed into a stronger form of ecclesiastical organization if the Commonwealth had continued; but, upon the collapse of the Commonwealth and the restoration of King Charles II, and the return of normal conditions within the Church, it was obvious that a commission so at variance with the organization and ways of the Anglican Church could not continue, and nothing further was heard of it. The Rev. Mr. Mallory was sent by the General Assembly to England to inform both the king and the authorities of the Church of the conditions and needs of the Church in Virginia and died there before his work was accomplished.<sup>28</sup>

. . . . .

One cannot bring the story of the Church under the Commonwealth to a close without calling attention to the enactment of laws concerning the Indians, which show a more sympathetic attitude and a revival of interest in their Christianization and in the betterment of their condition. This change of attitude seems to appear in the very treaty of peace itself which ended the Indian war in October, 1646. One of the final provisions of that treaty declared that such Indian children being under the age of twelve years as shall "freely and voluntarily come in and live with the English" may be permitted to do so.<sup>29</sup> Other acts adopted at this session of the Assembly repealed certain acts passed in June, 1644, after the massacre of April 18, which prohibited any terms of peace with the Indians and ordered the cutting down of their growing corn.<sup>30</sup>

As previously noted, after the Assembly had opened the territory north of the York River to settlement, care was taken that the Indians should be given sufficient land for their homes and towns and further land for hunting-ground. This care for their rights is shown in Acts passed in July, 1653,<sup>31</sup> assuring Totopotamoi, chief of the Pamunkey Indians, the lands already given to his tribe "in the York River." These lands, or such remainder of them as were not acquired by purchase or otherwise from their descendants, are still owned and occupied as Indian reservations on the Pamunkey and Mattaponi Rivers by the present-day remainder of the Pamunkey tribe.

In a later Act of the same session, land was ordered to be set apart for the Indians living in Gloucester and in the upper sections of the Rappahannock River.<sup>32</sup> In the following year, after the Rappahannock Indians had committed a number of acts of depredation upon the white settlers, the militia of the Northern Neck counties, Lan-

caster, Northumberland and Westmoreland, were ordered to assemble under the command of Major John Carter of Lancaster, and march to the Indian town, "to demand and to receive such satisfaction as he shall think fitt, . . . not using any acts of hostility but defensive, in case of attack."<sup>33</sup>

At the next session of the General Assembly, in March, 1654/5, an Act was passed<sup>34</sup> directing that "for the better securing the peace both of English and Indians, . . . no Indian or Indians coming within our lands or bounds shall be killed unless they shall be taken in acts of mischief." This Act made further provision for Indian children to be taken as servants for such terms as might be agreed upon with their parents, "provided that due respect and care be taken that they the said Indian children be brought up in the Christian religion."

The provision against killing Indians except when caught in the act of committing mischief was amended in December, 1656, on the ground that the English had been too careless in killing Indians for very minor causes. A new requirement was inserted in the law directing that no Indian should be killed unless the evidence of two witnesses could prove that he had committed a felony for which an Englishman would be punished with death.<sup>35</sup> Further efforts were made in this law to safeguard the contacts between the Indians and whites.

Perhaps the most interesting and far-seeing of these laws was one adopted at the meeting of the Assembly in March, 1655/6.<sup>36</sup> The preamble of this Act expresses the conviction that strife with the Indians had arisen from two main causes: one, "our extreame pressure on them"; and the other, because of "their wanting (i.e. lacking) something to hazard and lose besides their own lives." In order to improve the relationship between the two races, the Assembly proposed three things: First, give to the chief of each tribe a cow for every eight wolves' heads brought in by their men. "This would be a step to civilizing them and making them Christians." Also, as the stock of cattle so acquired by the Indian tribe increased, the chief of the tribe would be all the more eager to prevent attacks upon the English by the younger and more impetuous men of the tribe. Quite obviously, as the law itself indicated, a depredation upon a white family committed by a member of his tribe would be paid for by seizing part of the tribe's stock of cattle.

The second provision of the Act invited the Indians to bring their children to be brought up by the English and taught trades and the Christian way of life, giving them the assurance that Indian children

so received would not be treated as servants or slaves, and that they might select the white friends to whom they would entrust their children. The third provision guaranteed to the Indians the full and quiet possession of their lands and was intended to prevent aggression or the unlawful seizure of their property by reason of the "pressure" of the growing white population. This Act was included and reenacted in the general revisal of the laws in March, 1657/8.<sup>37</sup>

Another Act included in this revisal directed that the twenty-second day of March and the eighteenth day of April be observed annually as holy days "in commemoration of our deliverance from the Indians at the bloody massacres of the 22nd day of March, 1621/2 and the 18th of April, 1644."<sup>38</sup> As far as the government and the Church were concerned, the desire for revenge died out in a desire to help the Indians to a better life and a sense of thanksgiving to God for His protection from past dangers. Would to God that such attitudes could have continued and have been put into permanent effect. But even at the very time when these laws were being placed on the statute book, in the year 1656 Virginia militia suffered a severe defeat at the hands of a large force of Indians who had come from outside, from the mountains and the western lands, and had taken possession of the former territory of the Manacan Indians west of the falls of the James River; and thereby the seeds of a new hostility were planted out of which grew the Indian depredations of 1675-76 in the days of Bacon's rebellion.<sup>39</sup>

## CHAPTER XIII • NOTES

1. Hening's *Statutes*, I, 421, Act X. See I, 374, for two cases of parish burgesses expelled for cause—one because he was "notoriously known as a scandalous person," the other because of his mutinous and rebellious declaration, and "concerning his blasphemous catechisme." Many mentions of parish burgesses may be found by reference to the Index of Hening, Vol. I.
2. Hening's *Statutes*, I, 371-72.
3. *Ibid.*, I, 403, also 412 and footnote.
4. *Ibid.*, I, 499-505. The whole story is full of interest. It seems, from the fact of being dropped from the Council at the election held by the Burgesses after this passage at arms, that Nathaniel Bacon (the Elder) and Francis Willis may have been the ones in mind as "some persons of the present Council . . . endeavour by setting up their own power to destroy the apparent power resident only in the burgesses."
5. *Ibid.*, I, 509-10.
6. *Ibid.*, I, 526 (foot-note, pp. 526-29) gives a rather full statement of the situation.
7. *Ibid.*, I, 378. See also Goodwin, *Colonial Church in Virginia*, p. 253.
8. See *supra* Chapter III, p. 11.
9. The Rev. John Waugh, of Overwharton Parish, Stafford County, was refused a seat in the House in 1699. (See Goodwin, *Colonial Church*, 315, and *Journal of the House of Burgesses*, 1695-1702, p. 140). In 1777, the Rev. John Corbley, a Baptist minister elected by Monongalia County (now in West Virginia) was similarly treated. (See *Virginia Magazine of History and Biography*, XLI, 22 and footnote.)
10. Hening's *Statutes*, I, 433.
11. The first enactment of this law must have been one of those which Hening failed to find.
12. See Sir William Berkley's statement about the Cavalier clergy, "We had few that we could boast of, since the persucition in Cromwell's tyranny drove divers worthy men hither." Hening, *Statutes*, II, 517. See Appendix VII, p. 506.
13. Goodwin, *Op. cit.*, 302. *Colonial Churches in Virginia*, second edition, p. 106.
14. Goodwin, *Op. cit.*, 265, and references there given. Also *Old Rappahannock County Records*, I, 38; I, 195, 196; III, 19. Also *Westmoreland County Order Book* under date of August 4, 1661.
- 14a. See *Northumberland County Records*, Book No. 14, p. 90 and p. 111, for the marriage certificates mentioned. For an account of the marriage law enacted by Parliament in August, 1653, see "*The Parliamentary or Constitutional History of England From the Earliest Times to the Restoration of King Charles II.*" By Several Persons. Second Edition, Vol. XX, pp. 214-17.
- 14b. Hening's *Statutes*, I, 433.
15. Hening's *Statutes* I, 399-400. The Act is as follows:  

"Act IX. Whereas there are many places destitute of ministers, and like to continue so, the people content not paying their accustomed dues, which makes them negligent to procure those which should teach and instruct them see by this improvident saveing they loose the greatest benefitt and comfort a Christian can have, by hearing the word and use of the blessed sacraments, There-



fore be it enacted by this present General Assembly, That all countys not yet laid out into parishes shall be divided into parishes the next county court after publication hereof, and that all tithable persons in every parish within this collony respectively, in the vacancy of their minister, pay 15 lb. of tobacco per poll yearly, and that tobacco to be deposited in the hands of the commissioners of the severall counties, to be by them disposed of in the first place for the building of a parish church, and afterwards the surplusage thereof (if any be) to go towards the purchasing of a glebe and stock for the next minister that shall be settled there; Provided that the vestreys of the severall parishes be responsible for the said tobacco so leaved."

16. New Kent County when formed covered both sides of the York River and the Pamunkey River which was looked upon as the main stream of the York River, and by far the larger part of the new county was north of that River. The present-day County of that name is entirely on the south side.
17. Morgan P. Robinson, *Bulletin of Virginia State Library*, "Virginia Counties," pp. 92-3.
18. Hening's *Statute's*, I, 237.
19. *Ibid.*, I, 323-26. Poropotank, which is mentioned as a dividing line, is a creek making in from the north side of the York River. It is the present boundary line between Gloucester and King and Queen Counties.
20. Morgan P. Robinson, "Virginia Counties," p. 86 and Note 59.
21. Hening's *Statutes* I, 353-54. Note that in this Act the older name Charles River was used for the York River. "Act II. Upon the humble representation of the Burgesses to the Governour and Council of the great and clamorous necessities of divers of the inhabitants occasioned and brought upon them through the mean produce of their labours upon barren and over-wrought grounds and the apparent decay of their cattle and hogs for want of sufficient range, which after serious consideration they had found and unanimously agreed to the state of a very considerable number of inhabitants, and therefore leave might be forthwith granted unto them to remove and seate upon the north side of Charles River and Rappahannock River; the Governour and Council upon debate of the matter did condescend to the substance of their desires but for reasons of state to them appearing importing the safety of the people in their seating, did think fitt to restraints them to a further limitation of time (vizt.) to the first of September next: etc."
22. *Ibid.*, I, 399-400. See note 16 above.
23. *Ibid.*, I, 478. Act CI. After a preamble similar in wording to the earlier law the Act proceeds: "Therefore bee it enacted by this General Assembly that all counties not yet layd out into parishes shall be devided into parishes the next county court after publication hereof, and that all tithable persons in every parish respectively in the vacancy of their ministers pay fifteen pounds of tobacco per pole yearly, and that tobacco be putt in the hands of the churchwardens of the severall parishes, who are to give the securitie to the vestrey for the disposing of it, In the first place for the building of a parish church, and afterwards the surplusage (if anie bee) to go to the purchasing of a glebe stock for the next minister that shall be settled there."
24. McIlwaine, *Journal of the House of Burgesses*, April 1, 1658, p. 109.
25. Hening's *Statutes*, I, 418. "Act V. Concerning Ministers Imported. Whereas many congregations in this collony are destitute of ministers whereby religion and devotion cannot but suffer much impairment and decay, which want of the destitute congregations ought to be supplied by all meanes possible to be

used, As also to invite and encourage ministers to repaire hither and merchants to bring them in, *Bee it therefore hereby enacted* for the reasons afore-said, that what person or persons soever shall at his or their proper cost and charge transport a sufficient minister into this collony without agreement made with him shall receive for satisfaction of his or their said charges of him the said minister, or they that shall entertaine him for their minister, twenty pound sterling by bill of exchange or two thousand pounds of tobacco, and also for what money shall be disbursed for them besides their transportation to be allowed for."

26. *Ibid.*, I, 424. "FOR encouragement of the ministers in this cuntry and that they may be the better enabled to attend both public commands and their private cures, It is ordered, That from henceforth each minister, in his owne person with six other servants of his family shall be free from publique levies, Alwaies provided they be examined by Mr. Phillip Mallory and Mr. John Green, and they to certify their abilities to the Governour and Councill, who are to proceed according to their judgment."
27. See *supra*, Chapter VI, p. 44.
28. Goodwin, *Colonial Church in Virginia*, p. 291.
29. Hening's *Statutes*, I, 326, Article 10.
30. *Ibid.*, I, 333, Act XVII.
31. *Ibid.*, I, 380, 382.
32. *Ibid.*, I, 382.
33. *Ibid.*, I, 389.
34. *Ibid.*, I, 410, Act. II.
35. *Ibid.*, I, 415, Act I.
36. *Ibid.*, I, 393-96.
37. *Ibid.*, I, 476.
38. *Ibid.*, I, 459. "ACT LVIII. *Holy Daies in commemoration of our deliverance from Massacres.* *Bee it enacted and confirmed by the authoritie of this present General Assembly* That the two and twentieth day of March and the eighteenth day of Aprill be yearly kept holie in commemoration of our deliverance from the Indians at the bloody massacres the 22d day of March, 1621 and the eighteenth of April, 1644, And that the ministers of everie parish give notice thereof to the parishoners the Sabboth day next before."
39. Matthew Page Andrews, "*Virginia, the Old Dominion*," p. 148; Campbell's "*History of Virginia*," p. 233.

# Political Conditions After the Restoration

IT IS NOT a pleasant thing to write the history of Virginia during the reign of the second Charles. It began with such high hopes based upon the return to the monarchy to which they were accustomed and in which they believed; the reestablishment of the Church to which they and their forefathers belonged; the recall of a widely admired and respected governor who had scornfully refused throughout the whole period of the Commonwealth to compromise in the least his loyalty to the king. It ended with the death of that king utterly discredited both morally and spiritually, with a rankling sense widespread throughout the colony of injustice and ill-treatment, and the bitter realization of their king's careless disregard of his people's needs. The governor whom they had welcomed back with great acclaim and large financial gifts had become generally execrated as a tyrant. The colony which had defied the authority of Parliament in their allegiance to the royal cause had actually taken part in two rebellions—the greater, Bacon's Rebellion in 1676, and the lesser, Plantcutters Rebellion in 1681—in unbearable resentment against the conduct of their king and the actions of his royal government at Jamestown!

Virginia had seen a great light during the period of the Commonwealth in spite of her loyalty to the monarchical form,—a light of independent self-government which shone upon the path that started with its first "Cities" and continued through its General Assembly, its expulsion of Governor Harvey, and its attitude towards the efforts of Parliament to destroy the Church of England and abolish its Prayer Book. It was a very definite and real step forward along that path when Virginia demanded and received the right to elect its own governors and placed in the elective body of its House of Burgesses the supreme authority of government. And although the restoration of the monarchy required the giving back into the power of the king the right to select their governor and upper house, their independence of

thought and demand of the right of self-government were never given up. They flamed into action in the rebellion against Sir William Berkeley's mal-administration and tyranny; as indeed they did again in a more individualistic form in the Plant-cutters Rebellion, as a protest against the refusal of the crown to devise a stable monetary system and a form of currency for its oldest and strongest colony.

It is one of the most amazing enigmas of the history of England's dealings with its colonial dependencies, that during the whole colonial period of the American colonies the mother-country never developed a stable financial policy for her colonies nor provided sufficient funds to keep enough real money in circulation in the colonies for the necessary use of so large a number of citizens of her empire.<sup>1</sup> Because of the very conditions of climate and soil, the New England colonies could never mean as much to England in the production of raw materials as did the southern colonies. New England's greater opportunities of wealth lay along the line of nearness to the great fishing grounds of the North Atlantic; and this helped in the development of shipbuilding and the building up of a carrying trade that brought abundance of hard minted coin, mostly Spanish "pieces of eight," for the use of the colonists. After the seizure by England of the Dutch colonies on the Hudson and Delaware Rivers in 1664, and the acquirement thereby of all the territory from New England to the northern boundary of Maryland, the colonies established therein of New York, New Jersey, Pennsylvania and Delaware, centered more around the growing ports of entry of New York and Philadelphia, and shared much more the shipping and trading interests of New England than the agricultural interests of the southern colonies. Consequently, they never suffered the extreme fluctuations of their monetary medium which Maryland and Virginia as the great tobacco-raising colonies were forced to undergo. And be it here said that the real reason why, at the time of organization of the United States, the English form of currency of pounds, shillings and pence was changed to a decimal system based upon the Spanish "pieces of eight" was the fact that Spanish coin was the one most widely spread and most frequently handled by the colonists. The familiar "two-bits" and "four-bits" of common use became the basis of the American dollar.

In these two colonies of Maryland and Virginia, the growing of tobacco was the principal source of wealth. Desperate efforts were made again and again, beginning even in the days of the Virginia Company, to develop other forms of agriculture and industry in Virginia. There



was always a certain amount of profit in the making of tar, resin and turpentine, and potash, and in the shipment of lumber. Beyond that were the efforts to develop the making of glass, the manufacture of wine, the raising of silk-worms, and the scattering iron-furnaces; but there was never much of profit in any of them and their efforts ended in discouragement. Only the culture of tobacco remained constantly profitable.

This condition was accentuated by the fact that England was not at all desirous to see manufactures developed in her colonies. She wanted the colonies to furnish raw materials for her own factories and her people's needs, . . . and for the profit that could be earned by shipping her manufactured articles out to the colonies.

Tobacco as a money-crop to be paid for in hard cash is one thing; but tobacco tied up in bundles and used as money is quite another; and the whole business of Virginia was carried on upon the basis of paying so much tobacco for everything purchased, whether it were the erection of a house or the purchase of household supplies, the paying of the preacher's salary or buying a new shirt or pair of shoes. The price or purchasing power of tobacco was always fixed in its relationship to the English pound sterling. In the beginning a pound of good tobacco would sell in London for three shillings, but the price fell rapidly with the great increase in cultivation, and, for the most part of the colonial period, ran around two-pence per pound.

Tobacco was raised by every farmer as a fresh crop every year. After the cost of cultivation, cutting, curing, and packing in hogsheads, it had to be shipped to a merchant in England; and this required shipping charges, the English tax on tobacco shipped and the freight. Then the agent in England had to sell the tobacco, deduct his commission, and place the remainder to the credit of his client in Virginia. A hail-storm might, of course, destroy the crop in the field, or excessive rains or drought lessen its yield and affect its quality; or a barn full of tobacco might burn, or the ship sunk or be captured by pirates. All or any of these things might happen and the farmer lose his crop altogether; but if everything went well and the remainder, after all deductions, was sold and placed to the planter's credit, his "money" then consisted of orders on his agent in England. He might use that credit in having his agent purchase supplies for him in England, at the cost of another commission, of course, but if he bought anything in Virginia, and gave an order upon his agent in England in payment, the seller had to run all the risk as to whether the purchaser had overdrawn his

account in England, or the possibility of his order for payment being lost at sea.

The small farmer, John Smith, might carry his tobacco to a public warehouse and receive a receipt therefor which he might use as money, but here again the seller who took his receipt had to run the risk of the spoiling of the tobacco by poor handling, and also the danger of the sea. Added to all these difficulties regarding the monetary medium, the occurrence of three or four good growing seasons in succession would produce such great crops of tobacco that the English market would be overloaded and the selling price fall below the cost of production; or a couple of very bad seasons would reduce the size of the crop to such an extent that, while the sale price in England might be advantageously high, the small farmer might secure barely enough of a crop to pay taxes and such salaries as were required to be paid in tobacco and nothing else. And so he would have none at all to sell for his own use.<sup>2</sup>

In spite, however, of all these obstacles, the profit from the culture of tobacco was so great that Virginia increased steadily in the outward manifestations of wealth while all the time, because of the instability of the monetary medium, its people could never get out of debt to the English merchants. Tobacco as money was never available except once a year when the crop was gathered. For that reason, all business was carried by credit, and all bills were to be paid once a year when the "money" came in. It was an impossible sort of system, which inevitably resulted in keeping the planters continually in debt. So serious was this condition at the time of the Revolution that the debts of Virginians to the English merchants, which amounted to a very large total in gross, had to lie unpaid in Virginia after the Revolution for considerably more than a decade, until after the United States had finally established a stable and sufficient currency; and which required many law-suits to settle.

This may be considered a final outcome of England's refusal to provide a stable currency. Her refusal to do so seems all the more strange in the realization that the trade of Virginia with England down to the time of the Revolution was so great that the Virginia pound, "current money of Virginia" was accepted at two-thirds of the pound sterling in exchange value, whereas the pound current money of New England and the Middle Colonies was fixed at one-half of sterling.<sup>3</sup>

Virginia's financial welfare being so unalterably bound up with the culture of tobacco, it needed, above all things, free and unrestricted

trade with the rest of the world, in order to have as large a market as possible for the sale of its tobacco, and as many sources as possible from which to purchase the manufactured products which it needed. But this England was never willing to permit. Her whole conception of a "loyal" colony seemed to be that the colony should be a source of supply of raw materials and a market for her manufactured articles. The fact that England could not absorb all of Virginia's tobacco in years of good crops did not seem to worry her in the least. Large crops meant low prices to the English consumer. The fact that it meant also to the Virginian planter reduced or vanishing purchasing power in buying the supplies he needed was the planter's own particular headache, with which England had nothing to do.

Notwithstanding the efforts of both James I and Charles I to acquire a monopoly of the sale of her tobacco, Virginia did endeavor, as best she was able, to enlarge her markets by employing Dutch ships to carry part of her crop to other countries. Her people, also, until the political union of England and Scotland in 1707 stopped it, tried to smuggle as much tobacco tax-free into England through Glasgow and other Scottish ports as could be disposed of in that way.<sup>4</sup>

England's reply to such ungrateful conduct on the part of her eldest daughter colony was the enactment of a series of so-called "Navigation Acts," whereby the effort was made to force all freight originating in Virginia to be shipped in British ships and cleared for some port in England. The first of these acts, adopted by Parliament in October, 1651<sup>5</sup> forbade the importation of any goods, wares or merchandise into England except in English ships or ships of the nation where the commodities were produced. This was a direct slap at the practice in Virginia of shipping in Dutch bottoms. Virginia's reply to that act, as written in the cautiously worded seventh paragraph of the articles of surrender of the colony to Cromwell in March 1651/52, was:

"That the people of Virginia have free trade as the people of England do enjoy to all places and with all nations, according to the laws of that Commonwealth; and that Virginia shall enjoy all privileges equall with any English plantations in America."<sup>6</sup>

While this was an outward gesture of acknowledgment and acceptance of Parliament's Navigation Act, the actual fact was that Virginia made so much use of the Dutch ships to carry her merchandise to Europe that another act for the better regulation of that trade was adopted by the House of Burgesses in March, 1657/58.<sup>7</sup> By a further

act of March, 1659/60, after the collapse of the Commonwealth, the right was granted to every Christian nation in amity with England to trade at Jamestown.<sup>8</sup> So matters stood when Charles II was restored to the throne in May, 1660. His majesty's most loyal colony had written into the preamble of this its latest law the statement of its need:

"Whereas The restriction of trade hath appeared to be the greatest impediment to the advancement of the estimation and value of our present only commodity, tobacco, . . ."

More than a statement, this was an appeal to her king, newly restored to his throne, to protect the interests of his Virginian subjects from the crushing weight of the prohibitory navigation laws imposed by the Parliament of the Commonwealth.

One may easily understand the dismay of the people of Virginia when they learned that the king and privy council, instead of hearkening to her statement of need, had secured the enactment of a new Navigation Act carrying still greater restriction than the Act of 1651. In the year following the passage of this new act, 1661, Governor Berkeley was sent to England by the colony in order that he might present the matter in all its stark reality.<sup>9</sup> The situation was becoming so acute, by reason of the greatly increased size of the tobacco crop, because of the larger number of persons raising it,<sup>10</sup> that the Assembly, immediately after the passage of this act, adopted another prohibiting the importation of all unnecessary commodities because "the low price of tobacco will hardly supply the urgent and pressing necessities of the inhabitants of the country."<sup>11</sup> All appeals proved useless, however, and the revised Navigation Act of 1663 was the final answer. The British impost tax upon tobacco arriving from America was continued and, at the same time, British manufacturers were given a monopoly of sales to the colonies. Regardless of the nationality of the ship "no colonial goods were to be shipped to a foreign country until they had first passed through a British port, while the colonies were not permitted to purchase foreign made goods unless they had first checked in the mother-country."<sup>12</sup>

Having failed in his efforts to secure relief from an intolerable situation through the king and privy council, Governor Berkeley endeavored, for several years, to secure an agreement with the authorities of the adjoining colonies of Maryland and Carolina to forbid the raising of any tobacco at all for one year, in the hope of reducing the overplus on the market and thereby restoring its normal price. Failing in this,



he endeavored to secure an agreement with the other colonies to reduce the crop by setting a date line in the spring of the year, after which no additional tobacco plants might be set out.<sup>13</sup> This effort having failed also, there seemed to be no other recourse, and the question of the value of Virginia's money crop and the inflation or contraction of its "currency" was henceforth left perforce to the mercy of Providence. The occasional hurricane or hailstorm in the growing season or a severe and widespread drought was the usual means whereby inflation was checked or a balance struck between high prices and low. It is true that, upon one occasion at least, the Dutch gave an unwitting boost to the value of Virginia's money. It was in the year 1667, during the course of the war between England and the Netherlands, in which England had benevolently assimilated the Dutch colonies upon the Hudson and Delaware Rivers. In that later year, a Dutch fleet invaded the Chesapeake Bay, ascended James River and burned quite a goodly number of ships loaded with tobacco.<sup>14</sup>

One still further and final effort was made in 1681 when, after exceedingly heavy crops of tobacco, an effort was made to reduce the amount of tobacco to be planted in the following year. Realizing that, in the failure of receiving governmental approval, this plan would fail, a number of planters with Major Robert Beverley, of Middlesex County as their leader, adopted a counsel of desperation and went through the tidewater counties of Gloucester, Middlesex and New Kent, cutting down the tobacco plants growing in the fields. This Plant-Cutters' Rebellion was soon quelled.<sup>15</sup>

One of the most surprising and harmful ideas held by both the Caroline kings, as one thinks back in retrospect, was that the territory of America belonged personally to the king, to be played with or given away at will, and with seemingly no sense of responsibility for the welfare of his subjects who had emigrated to the new land. With all his weaknesses and misunderstandings, King James had perceived in Virginia the beginnings of a great and growing population; and underneath his fear and distrust of Sir Edwin Sandys and his like-minded associates was the realization that the colony was becoming too large and important to be permitted to continue as the private property of a corporation but should be brought into closer ties with the crown as an integral part of the British empire. Both Kings Charles, on the other hand, seemed to take every opportunity to give away great tracts of the American shore to friends and adherents, either in payment of debts, political or financial, or for other less obvious reasons. So

Charles I gave to Lord Baltimore in 1632 the land north of the Potomac River, which became the province of Maryland. Indeed, even prior to this, he had made an abortive effort to give away the territory south of Virginia to Sir Robert Heath.<sup>16</sup> The conditions stated in this earlier grant were not fulfilled and the grant was later declared void, the only actual result being the fixing of the name "Carolina" upon the territory involved.

In both of these cases, however, the land given away was unappropriated and unoccupied by permanent settlement of English colonists. The only objection that was voiced or could be voiced in Virginia, as regards the giving away of Maryland or Carolina, was that in each case the territory was much nearer the settled territory of Virginia than had been planned under the first charter, when the determination was put upon record that no new colony should be established within one hundred miles of one already in existence, to say nothing of the second charter of 1609, which gave to Virginia the territory extending two hundred miles north and two hundred miles south of Point Comfort at the mouth of James River.<sup>17</sup> The theory is quite tenable, if one chooses to be optimistic, that the purpose underlying these two grants was that of hastening the process of settlement of America by the establishment of additional colonies in new sections and so extending and increasing the greatness of the British Empire. When the second Charles became king, however, he seemed to show, from the very first, a desire to give America to his friends; and, regardless of any rights of persons who had acquired land and become permanent settlers, he gave away with equal readiness unappropriated land and territory which had enjoyed self-government over periods of from thirty to fifty years.

Beginning with his first abortive effort to give away the Northern Neck of Virginia in 1649, the record of his giving continued with Carolina in 1662, the Northern Neck charter renewed in 1669, and the gift of all the rest of Virginia in 1673. When, as the result of the war with the Netherlands, England took possession of the Dutch colonies in 1664, the king gave the present states of Maine, New York and New Jersey to the duke of York and, in 1681, Pennsylvania to William Penn.<sup>18</sup> Little Delaware was claimed by both Lord Baltimore and the duke of York but eventually fell into the possession of William Penn. When Charles died in 1685, about the only American land in the King's "Manor of East Greenwich" which remained to be given away was the debatable land between the southern boundary of Carolina

and the Spanish possessions in Florida. And that was a little too near to the power and forces of Spain to be very desirable.

In contrasting these proprietary colonies with Virginia, one must realize two things: First, that under every charter of such a colony, the proprietors were made the source of both civil and political government and, in Maryland and Carolina, were given control of religion to the extent of establishing parishes and selecting and appointing the ministers. While the provisions of these charters differed in details, it was true of each one that the proprietors occupied a position and exercised an authority higher than the government of the colony which grew up under that particular charter. The proprietors were given rights of eminent domain which in Virginia were claimed and exercised by the elective representatives of the people.<sup>19</sup> In Virginia, after the abolishment of the Virginia Company in 1624, no one but the king himself had the authority to disallow a law of the General Assembly. The allegiance and fealty of the landowning Virginian was to the king and to no one else.<sup>20</sup>

The second fact is that in every proprietary colony, whether established as a haven of oppressed religionists, as Maryland and Pennsylvania, or organized as a source of revenue to the proprietors, as New York, the Jerseys and Carolina, the proprietor always expected to receive a financial return from his colony. For that reason, land was frequently, if not as a general rule, sold at a higher rate in the proprietary colonies than in Virginia, and the annual quit-rent, or land-tax paid to the proprietor (in Virginia to the king) was higher, and sometimes very much higher, than the amount paid by the Virginian landowner.<sup>21</sup>

In Virginia, from the very first grant of land by the Company, down to the Revolution, the quit-rent was two shillings for each hundred acres. This never changed, because no outside individual or group had the power to increase the tax on account of the "increasing cost of living."<sup>22</sup> The sale of land to settlers in Virginia was based upon the bringing of new settlers into the country. No one at all could patent fresh land except by presenting evidence that he, or some one else whose "right" he had purchased, had brought a new settler into the colony. Such a certificate of importation was called a "headright," and each such headright entitled the holder to receive fifty acres of land free of any other charge than the fees for preparing and recording the patent. Even after the increasing population and greater westward expansion made the plan difficult to operate, the colonial government

still endeavored to continue, in form at least, the patenting of new land as the reward for bringing new settlers, by preparing and selling headright forms for prospective purchasers of land to use.<sup>23</sup> These headrights sold at the fixed price of five shillings; and, as it was to the interest of the authorities of the colony to secure additional population, there was no incentive to increase the price of the land.

So far-reaching was the effect of this difference in land prices and taxes between the proprietary colonies and Virginia that the attraction of cheaper land and lower taxes in the Shenandoah Valley was one at least of the strong impelling causes of the movement of Germans and Scotch-Irish into the Valley and southern and southwestern Virginia in the middle of the eighteenth century.<sup>24</sup> It is also worthy of comment in this connection that when, in 1774, the Transylvania Company had acquired from the Indians the possession of an enormous tract in what is now Kentucky and Tennessee, and established the separate colony of Transylvania, their chief attraction in drawing settlers from Maryland and Virginia lay in their offer to sell land at a much cheaper price than it could be bought for in the older colonies. But when, after the establishment of four boroughs and the organization of their legislature, the proprietors in 1776 raised the price of land, the settlers turned to Virginia and united in a petition to the General Assembly to receive and organize the territory as the county of Kentucky in the commonwealth of Virginia, and this was done.<sup>25</sup>

. . . . .

In September, 1649, eight months after his father's death, Charles the Second gave to a group of his most devoted friends and adherents the whole stretch of land between the Rappahannock and Potomac Rivers in Virginia.<sup>26</sup> As far as one can ascertain, this grant from a king in exile had very little effect in Virginia beyond putting into the minds of the leaders of colonial life a disturbing question of wonder as to what the young man was thinking about. Perhaps the most important reaction was to put the colonial government on guard. They had acknowledged him as their king as soon as the news came of the beheading of his father, but their loyalty may perhaps have been shaken a bit at the thought of his trying to give away so large a part of their territory. It happened that a large part of this territory was just being opened up for settlement, and, perhaps because of this very action by Charles in exile, every effort must have been made to steer the incoming settlers in that direction. By the time that Charles was actually



seated on the throne and had the power to make his grants good, four counties had been set up and organized in the section involved in his gift. Little effect that had, however, upon a man as generous to his friends and satellites as was his majesty!

Perhaps, also, the Virginian authorities remembered the abortive effort of Charles I to give away the territory to the south in 1631. At any rate, it was not very long before the leaders in the House of Burgesses came to the realization that some effort must be undertaken to extend the area of settlement towards the south as well as towards Maryland. All the settlement of Virginia prior to this period had entered through the Chesapeake Bay into the rivers making in from that body of water. The next great river to the south of the James, the Roanoke River, finds its entrance to the ocean through an entirely different body of water, the Albemarle Sound; and, in a day when, in the lack of travelled roads, the only means of access was by water, the way from Jamestown to the Roanoke River was by the difficult journey through the open ocean from Chesapeake Bay southward to the gaps in the Carolina keys.

The colony of Virginia found its strongest protection from foreign enemies in the fact that all attacks must come through the one entrance to the Chesapeake Bay. Settlement upon the waters that empty into Albemarle Sound would, therefore, mean that eventually another plan of protection must be devised against enemies who might come from outside the several entrances to the inland waters. And yet, discovery had already shown that the rivers emptying into the Roanoke were too close to those emptying into the James, and the land was too desirable to permit it to remain unoccupied. Consequently, in July, 1653, in response to a movement which seems to have been started by the Rev. Roger Green, who was then living in Nansemond County, an Act was passed by the Assembly promising a grant of 10,000 acres of land at the rate of one hundred acres for each settler to the first hundred persons who should settle "on Moratuck (Roanoke) River and on the land lying upon the south side of the Chowan River and the branches thereof."<sup>27</sup> As a reward to Mr. Green, "in reward of his chardge, hazard and trouble of first discoverie, and encouragement of others for seating those southern parts of Virginia," a thousand acres of land additional was given.

There is no record extant which presents any details of the number of settlers who located in this section. There is, however, a very long and interesting letter written to John Ferrar in England by Francis

Yeadley, who was evidently a settler living in this new section. This letter, dated May 8, 1654, is quoted in copious extracts in Anderson's *History of the Colonial Church*.<sup>28</sup> He writes very interestingly of his intercourse with the Indians and the bringing to baptism of the leading Indian chief and his wife and son. According to the general rule of the colony of Virginia, in dealing with the Indians, Yeadley, as one of the leaders in the English settlement, had purchased practically the whole stretch of eastern Carolina from the Indian chief by a treaty and the payment of £200. The number of settlers did not increase, however, to the point where a new county could be formed, and this settlement must, therefore, have been considered as being within the territory of Nansemond county.

The trip of Sir William Berkeley to England in 1661-62, in the effort to secure amelioration or repeal of the Navigation Act, and the accounts he gave of the land to the south of Virginia may have been the starting point of an effort to organize a new group of proprietors and secure a charter for the territory given thirty-two years before to Sir Robert Heath. Doubtless Sir William, not only because of his familiarity with the situation but also because of his long years of faithful service and loyalty to the king, should have properly been included in the group of faithful servants whose loyalty needed to be rewarded with a little land. Sir William failed in his efforts to secure any amelioration of the Navigation Act, and there is no evidence at all to show that he was lacking in his efforts or failed to do his utmost to accomplish that purpose; but he came back to Virginia with a comfortable document in his pocket which showed that he and seven other loyal friends of his majesty had become the Lords Proprietors of the princely tract of territory covering the whole of the present North and South Carolina, from the 31st to midway between the 36th and 37th degrees of latitude.<sup>29</sup>

The same provisions were put into the charter of Carolina as had been placed in that of Maryland. The proprietors were given the right to establish counties, hundreds, townships and parishes, erect and endow churches, appoint the ministers, establish courts, and were given all the semi-independent rights and privileges of the palatinate of Durham in England.<sup>30</sup>

Into the history of North Carolina, we cannot go. If, however, Sir William Berkeley, as a member and the local representative of the proprietors of Carolina, and having back of him all the authority of his patent, had devoted to the development and welfare of his province

the time and interest he is said to have given to the Indian trade out from Virginia, the whole history of Carolina might have been different and happier in its earliest days.<sup>31</sup> As far as the history of Virginia is concerned, the charter of Carolina made a definite and sharp demarkation of its southern boundary a good many miles north of the river upon which the Assembly had made grants of land in 1653.

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The next step in giving away the territory of Virginia took place in 1669 by the revival of the grant made by the king in September, 1649, when he was in exile. At that time, Charles made a grant to seven of his most loyal friends and followers, conveying to them the "unseated" or unoccupied portion of Virginia's tidewater within the Chesapeake Bay.<sup>32</sup> This unseated territory was the section north of the York River and south of the Wicomico, which had been withdrawn from settlement and reserved for Indian hunting ground by the treaty which closed the Indian war of 1644, and had been reopened to settlement to date from September 1, 1649. Presumably, this fact was known to Charles through his correspondence with Governor Berkeley. If this is the fact, he took the opportunity afforded by the opening of this territory to settlement to give it to his friends.

Two of the grantees came to Virginia to claim the land given them and to set up an office for the sale of land to settlers. They seemed to have taken their own time in making the trip, and it happened that they arrived at Jamestown at just about the time that the commissioners appointed by Parliament to demand the surrender of the colony reached Virginia. After the surrender to Parliament was accomplished, the charter given by Charles was, perforce, held to be invalid. Certainly he had no authority or power to enforce it during the period of the Commonwealth; but, as soon as he was safely settled upon the throne after the restoration of the monarchy, the patentees recorded their charter in England and again sent a representative to Virginia armed with a letter from the king to the governor to demand the acknowledgment and enforcement of the charter he had given.<sup>33</sup>

The situation, however, had entirely changed during the twelve years that had elapsed since the first granting of this "unseated" land. The influx of population had been very great, and there were now four fully organized counties in the Northern Neck, all of whose settlers and land-owners would be seriously affected if the king's charter should be enforced. The settlers had all taken out the usual patents for their

land in good faith, under the Virginia laws, and there were very many of them to make protest. Whereas, at the giving away of Maryland in 1632, there was only one landowner in the territory involved to make a protest, there were literally hundreds, if not thousands, of landowners in the Northern Neck whose rights were involved. William Claiborne, one of the leading citizens of Virginia in the earlier period, had patented Kent Island, in the upper part of the Chesapeake Bay, and established there a settlement which was primarily a market for trade with the northern Indians; and he staged a very real civil war against Lord Baltimore in defence of his rights. He had done this as an individual, but in the case of the grant of the Northern Neck, the whole colony felt itself involved.

The matter had gone beyond the giving away of a part of the unpopulated public domain to affecting the rights of the individual citizens living within the territory concerned. They had already bought their land, but, if the charter should be declared effective, they were every one liable to be compelled to purchase it again from the proprietors; and, instead of continuing to pay the established Virginia quit-rent of two shillings per hundred acres, they would be forced to pay whatever quit-rents the proprietors saw fit to charge.<sup>23</sup> Other political and civil rights were involved also because, in this as in all the royal charters for giving land to proprietors, the patentees were given the right to establish counties, townships and cities and parishes, build and endow churches, select and appoint their ministers, and also to establish manors and manorial courts-baron for determining minor causes, and to collect the fines. The people of Virginia had been exercising these rights for themselves and, by their own elected representatives, had established their own counties, parishes and courts, selected their own ministers, fixed their salaries and built their own churches. They were unwilling to give up these privileges into the hands of a group of proprietors living in England, whose only real interest would be the amount of money they could get out of it. The experience of the still greater political freedom they had enjoyed under the Commonwealth made them all the more unwilling to give up any of their political rights to anybody.

Another factor in the situation lay in the very terms by which every acre of land in Virginia was held. Every patent under which title to land first passed to an individual included the statement that it was granted by the king, as lord of the manor, "in free and common socage but not in capite, as of the king's manor of East Greenwich." Put



into language understood of the common people, this statement meant that all the land in Virginia belonged personally to the king of England, as part of his manor of East Greenwich. Consequently, all grants of land were directly from the king to individuals, and the only claim that the king could enforce upon an individual landowner under the terms of the deed was an annual payment of money in the form of quit-rent. Beyond that, and fidelity to his person, the king could not claim service of any kind. He could not ask of the land-owners in Virginia the old feudal requirement of service in his troops; he gave up that right when the words "not in capite" were written into the deed. In the terms of feudal deeds, "in capite" meant personal service to the lord of the manor, as in war: "Not in capite," inserted into a deed, meant that the holder of the land was expressly exempted from personal service. By the same token, he could not impose taxes for the carrying on of war, or for any other purpose because, by the very terms of the deeds, the land-owners could not be so coerced. In the phrase, "free and common soccage," the maker of a deed expressly recognized the status of the party of the second part as a free man. They only, through their own elected representatives, had the right to tax themselves or to order out their own militia. Meaningless as the words may seem to laymen unversed in legal phraseology, the clause "in free and common soccage but not in capite" was really the fundamental fact upon which the American Revolution was fought and won.

When the king, therefore, in his desire to reward faithful servants and friends in England, issued a charter covering territory in Virginia, in which people already lived and owned land, he gave away to the group of patentees not only his quit-rents, which he had, perhaps, the right to give, but also political rights and infringements upon their privileges as free English citizens, which he had no right at all to give because he had already given them to the land-owners themselves. And indeed, as far as the quit-rents were concerned, it had been the custom of long standing in Virginia that the salary of the royal governor and certain other expenses were paid out of the quit-rents. The giving away of the quit-rents immediately raised the question whether the king was going to pay the salary of the governor out of his own funds, arising from other sources, or expect the people of Virginia to pay it. There seemed to be only one answer to that question.

Because of the strong and widespread protests of the people of Virginia and the confused condition of affairs in England during that decade of 1660-1670, the straightening out of ecclesiastical affairs, the

Great Plague, the burning of London, the war with Holland, and similar matters, the question of the grant of the Northern Neck was not taken up actively by the king until 1669. On May 8 of that year, upon the giving up of the original charter of 1649, a new charter was granted to the survivors of the former patentees.<sup>34</sup> This charter, after expressly reserving their full rights to all persons who had taken out patents for land by headrights prior to the Feast of St. Michael, the Archangel, 1661, and recognizing the authority of the courts already established, still contained the offensive provisions as to what the Virginian officials called the "regalities"—that is, the "power to divide the territory into counties, establish parishes, hundreds, townships, and cities, to erect churches and colleges and endow them and to be perpetual patrons of said churches, colleges and free-schools, etc.—to hold courts-baron for all actions less than forty shillings in value and receive the fines and emoluments thereof."

Two things are noteworthy, however, in this charter. One was the statement that the territory so granted included all the land between the Rappahannock and the Potomac Rivers to the heads thereof, and the other was that, after the expiration of twenty-one years, i.e. on May 8, 1690, all land within these boundaries which by that time had not been sold to settlers by the proprietors should revert to the crown, and the proprietors should, after that date, have no property interest except the quit-rents from the lands they had sold and such other political rights as they had established. This would have included, of course, the continued authority to appoint the ministers in the parishes which they had created.<sup>35</sup>

The people of Virginia, acting through the General Assembly, did their utmost to fight against the enforcement of the grant of the Northern Neck. They started first with a most earnest petition to the king and the appointment of Major-General Robert Smith as the special agent of the colony in England. The resolution of the Assembly adopted at the meeting of September 20, 1671, began with these words:<sup>36</sup>

*"Whereas* There is at present an emergent occasion of representing to his Ma<sup>tie</sup> by supplication and addresse the great obstructions of the prosperitie of this country in generall, and particularly the damages like to be sustained by the inhabitants of the Northern parts, by the alteration of their tenures, and alienation from their immediate dependence upon his Ma<sup>tie</sup> by the interposure of the new grants, frustrating those gracious favors formerly conceded: It is ordered, etc."

It appeared that the proprietors themselves were getting tired and disappointed at the lack of any financial return, and when Governor Berkeley learned this he offered to lend the colony the sum of £1,200 sterling with which to buy out three of the proprietors at £400 each. The offer of the governor was accepted in an order dated October 20, 1673,<sup>37</sup> and a plan was formed to secure a charter whereby these and the remaining shares might be bought for Virginia. In view of this situation, it will be easy to envisage the utter amazement and mounting indignation of the people of Virginia when they learned that, in answer to the appeals and protests of his subjects, he had, on February 25, 1673/74, given away all the rest of Virginia, from Carolina to Maryland, to two men, Lord Arlington and Lord Culpeper, conveying all the financial profits and all the "regalities" for a period of thirty-one years.<sup>38</sup>

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The effort so far in this chapter has been to show how rejoicing in Virginia upon the restoration of their king in 1660 turned steadily to disillusionment, resentment and anger because of his treatment of the colony, first in the matter of unjust navigation laws, and second in the attack upon their liberties in the giving away of their territory to groups of individuals. To complete the picture of conditions, one must realize that Sir William Berkeley, the formerly widely popular governor, had turned sour and become irascible and tyrannical in his dealings with the people. Perhaps because of his disapproval of the greater amount of freedom exercised by Virginia during the Commonwealth he kept in session for sixteen years the House of Burgesses elected in 1660 by the simple expedient of refusing to prorogue them and call for a new election. Starting out with a strong desire, as shown in the first laws enacted, to improve conditions and govern wisely, the Assembly little by little became looked upon as being composed of the friends and satellites of the governor rather than legislators chosen to conserve and set forward the true interests of their constituents.

The governor was known also to be heavily involved financially in the trade with the Indians, and when the severe Indian outrages of 1675/76 began the opinion gained widespread credence that his refusal to call out the militia to fight the Indians was caused by his unwillingness to harm his Indian trade. This belief should seem to be untenable to one who would endeavor to understand the governor's character. Without any doubt, he perceived clearly the profound and



widespread resentment of the people of the colony, both against the royal government in England and the colonial government at Jamestown, and very rightly he feared the occurrence of just exactly what did happen; that, if the slightest authority were given to call out the militia of the colony, the people would rise and join it *en masse* and turn a war against the Indians into a rebellion against lawful government. Having, during his earlier administration as governor, seen the murder of his king and the long years of rebellion and denial of royal authority in England, the one bitterest and most unthinkable thing that could happen to him would be the uprising again against his king of another rebellion in his own colony and among the people whom it was his highest ambition to keep as loyal as himself. One can see in this attitude of mind the reason for his refusal to permit the militia to assemble until that permission was forced from him at the insistent demand of his own counsellors, and also for the ferocity with which he sent to the gallows as many as he could of the leaders of the rebellion after its collapse.

This rebellion, into which Virginia flamed in June, 1676, was the logical and inevitable outcome of the experiences of injustice and unfair treatment through which the colony had passed since the return of their king. It was called Bacon's Rebellion because Nathaniel Bacon, the Younger, of Curles Neck in Henrico County, was the one and only real leader. It came to a head when, as commanding officer of local militia called to arms to repel attacks of marauding Indians, the governor refused to give him a commission, and practically ended with his tragic death in September of that same year;<sup>39</sup> after which came the mopping up of company after company of "rebels," and then the bloody revenge taken by Berkeley in spite of the general pardon and amnesty given by the king.

The rebellion would never have assumed the magnitude that it attained if the Indian attacks had been the only reason. These attacks were on the frontiers of that day: roughly speaking, Stafford County on the Potomac, the section around the falls of the Rappahannock, which is now Spotsylvania, the headwaters of the Chickahominy and the county of Henrico, which included the sections around the falls of the James and of the Appomattox Rivers, where Richmond and Petersburg are now located. The more thickly settled sections of the colony were not in the same danger. Yet when Governor Berkeley retreated from Jamestown before the forces of Bacon, he did not stop until he had crossed the Chesapeake Bay to the Eastern Shore. Unquestionably



he would not have retreated so far except because of the realization that the temper of the great majority of the people in both the section south of the James in Norfolk and Nansemond Counties and north of the River in Gloucester and Middlesex was so strongly with Bacon that he did not deem it safe to seek a haven and base of operations in the lower James, or anywhere along the western shore of the Bay.

It should be understood that the Indian outrages, which were the immediate cause of the uprising, were not committed so much by the Indians living in the settled sections of Virginia (with perhaps the exception of the Pamunkeys) as by foreign tribes coming from the outside. As the result of many Indian wars, the tribes of the confederacy over which Powhatan had ruled had been thoroughly and finally defeated and were living, each tribe upon its own land, guaranteed to it by the colonial government. In many cases, the Indian tribes had been decimated and were left with merely a shadow of their original strength and numbers. They had all entered into a treaty of peace with the English, and sufficient territory for towns and hunting grounds had been assigned to each tribe.

Attention has already been called to the manifest efforts shown in the laws and enactments of the General Assembly during the period of the Commonwealth to protect the Indians in their rights and in the peaceful possession of their lands. A study of the laws which were enacted in the fifteen years between 1661 and 1676, as they are given in Hening's Statutes,<sup>40</sup> shows the steady and continuous efforts made to protect the Indians from aggression and from unfair treatment by individuals. One reads of Captain Giles Brent and Col. Gerard Ffowke being each one fined fifteen thousand pounds of tobacco and John Lord and Captain George Mason fined lesser amounts, and all four disbarred from holding any office, civil or military, and to pay further heavy costs, for having illegally arrested and imprisoned Wahanganoche, king of the Potowmack Indians, in defiance of the governor's safe-conduct and protection.<sup>41</sup> There are numerous other cases of similar care for the rights of the Indians. A list of the Indian tribes that were tributary to the English, made in 1669 and showing the military strength of each one, and preserved by Hening,<sup>42</sup> showed that there were eighteen tribes having a total of 725 bowmen, or hunters.

It happened in 1675, that a Northern tribe of Indians, the Susquehannocks, being driven out of their own territory by the Senecas, had migrated into southern Maryland and forced themselves into the territory of the Doeg (or, as now spelled, Dogue) Indians, and a group of

them crossed the Potomac River and committed murders and pillage on the Virginia side. This incursion brought a force of Virginia militia from the Northern Neck counties into company with the Maryland militia in a campaign against the invading Indians. After an act of treachery, in which five Indians coming under a flag of truce were beaten to death by order of the commanding officer of the Maryland troops, the Indian resistance spread into a widely extended series of attacks upon frontier homes and plantations. The whole of the western line of settlement in Virginia became involved. The Susquehannocks ranged along the whole Virginian frontier and seduced the Pamunkeys from their former treaty with the English to join in the marauding. Their attacks were becoming increasingly serious, while, for reasons that have never been satisfactorily explained, Governor Berkeley seemed to resist and deny the constantly increasing demands that he issue a general order to call out the whole military force of the colony.

Following attacks in Henrico County, including the murder of persons upon his own plantation, Bacon, as an officer of the government, called out the Henrico militia, and, with this force and scattering militiamen from adjoining counties, engaged in an unauthorized campaign, which ended in the defeat and massacre of the Indians of a large town of the Occaneeche Indians on the Roanoke River, because of the seemingly manifest evidences of their treachery. Bacon then marched with his men to Jamestown to demand the validation of his action and a commission for further war against the Indians. This was in June, 1676.

It so happened that, after fifteen years of sitting of the House of Burgesses elected in 1661, during which time the governor had refused to prorogue the House and call for a new election, he had finally yielded to the increasing pressure and called the new election. This session of the General Assembly, composed of burgesses who had been elected in counties seething with unrest and dissatisfaction, met in June, 1676, and included amongst its members, Nathaniel Bacon himself, who had been elected a burgess from Henrico County. He immediately assumed a position of leadership, and, under his influence, the Assembly enacted a series of laws which attacked and endeavored to correct the most outstanding abuses that had grown up in the government of the colony. Governor Berkeley was forced to sign these Acts against his will. After a pretended reconciliation with Bacon, and an effort to arrest him through treachery, the governor was forced, under the muzzles of the muskets in the hands of Bacon's men, to issue the required commission

and further commissions for officers to be filled out by Bacon himself. Just as soon, however, as Bacon had assembled his militia and started from Jamestown upon a campaign against the Pamunkey Indians, Governor Berkeley declared him a rebel and began organizing a force to attack and capture him and disperse his men. Bacon was, perforce, compelled to turn from the Indian campaign to defend himself against Berkeley, and the war was on.<sup>43</sup>

Bacon died in October, 1676, in the full flush of a victorious campaign, in which militia from almost every section west of the Bay had flocked to his standard. Jamestown had been captured and burned, and the governor, with his small group of followers, forced to find haven across the Bay. It has never been known definitely how or why he died; whether, as seems most probable, as a result of disease contracted in the marshy country of mosquitoes and typhoid fever or, as has been suggested by Hening,<sup>44</sup> murdered by an assassin along with Lawrence and other officers. But he died; and there was no one who could wear his mantle of leadership to succeed him. The rebellion dragged through a period of three months more to an inglorious and hopeless end.

Governor Berkeley began at once his series of hangings of the leaders of the rebellion as they were captured and brought to him. Long before his thirst for revenge for the slight put upon himself and the royal government had been sated, an order came from the king extending pardon to all rebels who would lay down their arms, except Nathaniel Bacon himself; and, with this pardon held in his own pocket unproclaimed, Berkeley continued his course of hangings. He did not stop until word came to him that the king had appointed three commissioners, who were even then on their way to Virginia to take the authority out of his hands and hold trials of those charged with rebellion. The commissioners arrived about the first of April, 1677, bringing with them an order from the king for Governor Berkeley to return to England and ordering Herbert Jeffreys, the chief of the commissioners, to serve as lieutenant-governor during his absence. Sir William left for England at once to render his own account to the king.

A question which has never been answered arises from the fact that a general amnesty pardon came to Governor Berkeley so quickly after the close of the rebellion and that the commissioners to supersede the governor were so soon on the ground to stop the arbitrary exercise of power by the governor. Kings are not usually so merciful to rebels against the royal government and authority, and there seems to have



been nothing in the character of Charles Second, as far as we know it, that would have impelled him to show such humane interest in the rebels in a far-off colony; certainly he had never shown it before. Very strong pressure must have been brought to bear upon him; a pressure that could only have come from Virginia itself and from those in such high position of authority and unquestioned loyalty that the king was compelled to listen. The promptness of his action shows without a question that reports were coming to the privy council from Virginia as to the attitude of Berkeley and his actions. This could only have been the case because of the fact that those in authority, whoever they were, in spite of their loyalty to Berkeley's government, were fully aware of the seriousness of the situation in Virginia and were at heart in sympathy with the ideals for which the standard of rebellion had been raised. So they made the privy council see the situation, and, through that body, they were enabled to influence the king and make him understand that there were injustices and abuses to be abolished and arbitrary enforcement of authority to be stopped if he did not wish to see a still more serious and widespread rebellion begin. And so the general amnesty came quickly, and the commissaries were sent to supersede the governor. And so also it was, although to save their faces the laws enacted by Bacon's General Assembly were promptly disallowed and revoked at the next session of the Assembly, yet—within the next two or three years—every reform except one which Bacon's laws had enacted was reenacted and written into the statute law of the colony.<sup>45</sup>

Sir William Berkeley passed out of the Virginia scene never to return when his ship sailed through the Capes on his journey to meet his king. "That old fool," Charles is reported to have said, "hath killed more people in that naked country than I did for the murder of my father."<sup>46</sup> And he never, perhaps, realized that a far greater and deeper hurt had been done to the people of that "naked country" by the fool upon the throne than had ever come about through the hangings of the "old fool" at Jamestown, who was trying thereby to show his unswerving loyalty to a king utterly unworthy of his devotion. It is one of the bitter ironies of life that, when Governor Berkeley arrived in England, the king's comment was reported to him and he died broken-hearted, without having had an opportunity to see him and render his own account.



CHAPTER XIV • NOTES

1. The need of a coinage of money for the proposed First and Second Colonies was seen and provided for in the first charter of 1606. But nothing was ever done about it. See the charter as copied in Hening's *Statutes*, Volume I. Article X of the charter reads: "And they shall, or lawfully may, establish and cause to be made a coin, to pass current there between the people of those several colonies, for the more ease of traffic and bargaining between and amongst them and the natives there, of such metal, and in such manner and form, as the said several councils there shall limit and appoint."
2. The high price of tobacco in a year of severe drought, after the very low prices caused by several years of abundant crops, was the crux of the celebrated suit brought in 1763, known as the "Parson's" Cause.
3. It is interesting to note that, both in Virginia and New England, the value of articles purchased and sold in rural communities was quoted in shillings and pence rather than dimes and cents for many years after the formation of the Federal Government in 1789, and even within the recollection of the elders of the present generation. The shilling in New England was 12½ cents whereas in Virginia it was 16 2/3. These are the correct figures for the pound valued at \$2.50 in New England and at \$3.34 in Virginia.
4. See Hening's *Statutes*, I, 258, Act XXVIII of March, 1642/43, for the first act of official encouragement to the Dutch merchants to trade in Virginia. Another act regulating the Dutch trade was adopted in March, 1657/58. See Hening, I, 469, Act LXXIV.
5. Campbell, *History of Virginia*, p. 218.
6. Hening's *Statutes*, I, 364.
7. *Ibid.*, I, 469.
8. *Ibid.*, I, 540. The first part of the act is as follows:  

"ACT XVI. *An Act for the Dutch and all other Strangers for Tradeing to this place.*

WHEREAS the restriction of trade hath appeared to be the greatest impediment to the advance of the estimation and value of our present only commodity tobacco, *Bee it enacted and confirmed*, That the Dutch and all strangers of what Xtian nation soever in amity with the people of England shall have free liberty to trade with us, for all allowable commodities, And receive protection from us to our utmost powers while they are in our jurisdiction, and shall have equall right and justice with our own nation in all courts of judicature, *Provided* they give bond and pay the impost of tenn shillings per hogshead laid upon all tobacco exported to any foreigne dominions, and give bond according to act, etc."
9. Campbell, *Op. cit.*, 252. Hening's *Statutes*, II, 17.
10. One of the real reasons for the great increase in the amount of the tobacco crop at this time arose from the larger number of persons engaged in raising tobacco. It has been stated that in the twenty years from 1649 to 1670 the population of Virginia increased from 15,000 to 40,000. A very large part of this increase must have come between 1649 and 1660. See Andrews, "*Virginia, the Old Dominion*," p. 134, footnote.

11. Hening's *Statutes*, II, 18. "ACT II. *An Act prohibiting the importation of unnecessary commodities.*

"WHEREAS the lowe prices of tobacco will hardly supply the urging and pressing necessities of the inhabitants of the country, and those necessities by the importation and sale of superfluous commodities soe augmented that very few can with there annuall labour defray their annuall charge by which means they are reduced to that extremity that not being owners of their owne commodity (spent before made) they are forced to part with it at what rigorous rate soever the exacting merchant will please to propose for prevention whereof

"*Bee it enacted* that noe strong drinke of what sort soever, nor silke stuff in garments or in pieces (except for whoods and scarfes) nor silver or gold lace nor bonelace of silke or thread nor ribbands wrought with silver or gold in them shall be brought into this countrey to sell after the first of February next under penalty of confiscation of the said goods by the sellar to the governor to be exported and the value thereof by the buyer to that good common-wealth man that shall discover it."

12. Andrews, *Op. cit.*, p. 147.
13. Andrews, *Op. cit.*, 142-48. Dr. Andrews gives a rather full account of this effort. See also Campbell, *Op. cit.*, Chapter XXIX, pp. 263 *et seq.*
14. Campbell, *Op. cit.*, 267.
15. Andrews, 167; Campbell, 332-33, and further account of Major Beverley's arrest and eventual pardon, 334-38, *passim*.
16. Anderson, *History of the Colonial Church*, II, 308.
17. See the proviso in Article VI of the first Charter of 1606. Hening's *Statutes*, I, 62,—for the territory granted in the Second Charter, see also I, 88.
18. See the grant made by the king to the duke of York on March 12, 1664, in Benjamin Perley Poore's "*The Federal and State Constitutions, Colonial Charters and other Organic Laws of the States, Territories and Colonies*," p. 1637. This series of volumes published about a hundred years ago by the United States Congress gives the colonial charters of all the original Thirteen Colonies in convenient form for study and comparison.
19. An illustration of the power of the proprietor to overrule the action of his colonial government is shown in the refusal of Lord Baltimore to permit the colony of Maryland to join with Virginia in forbidding the culture of tobacco for one year in order to reduce the great surplus stock, in 1664-5-6. See Andrews, *Op. cit.*, pp. 143-45. See also a discussion of the ecclesiastical powers exercised by the proprietors of these "provinces" in *Historical Magazine of the Protestant Episcopal Church*, Vol. XII, pp. 318 *et seq.*
20. It is to be noted that the colony of Massachusetts, and the other New England colonies deriving from her, being originally organized under provisions of the first charter of 1606, which directed the organization of the Plymouth Company for the establishment of a colony in the section from the fortieth to the forty-eighth degrees, as that charter was later revised and amended in the charter of 1620, had provisions similar to those of the Virginia charters as regards self-government and the tenure of land. In these respects Virginia and Massachusetts stood together in the power to develop, each one its own government according to the ideals and desires of its own people, and without the difficulties which the proprietary colonies suffered from the interference of their lords proprietors; . . . and against which these colonies eventually rebelled.

21. An exception must, of course, be made as regards the Northern Neck of Virginia after the grant of that territory to the Culpeper interests became effective. The proprietors of the Northern Neck realized that, in seeking to induce settlers to purchase their land, they were in competition with the rest of Virginia and were compelled, therefore, to meet the Virginia prices. See Fairfax Harrison's "*Virginia Land Grants*," p. 128. They did, however, attempt to collect higher quit-rents after King James had made their charter permanent. In 1695 the House of Burgesses appealed to the king against the actions and practices of the proprietors of the Northern Neck. Their first charge was that the annual rental had been doubled. See *Journal of the House of Burgesses*, 1695-1702, p. 29.
22. The only exception was the land-tax laid by the General Assembly in 1755 to help cover the expense incurred by the colony in the French and Indian War. This tax was removed in 1768. See Hening's *Statutes*, VI, 463, and VII, 298.
23. See an interesting study of Virginia's headright plan in Fairfax Harrison's *Virginia Land Grants*, Chapter One. For the action of the colonial government in preparing and selling headright certificates, see McIlwaine's *Executive Journals Council of Colonial Virginia*, Vol. III, pp. 434-35, and elsewhere in Vols. III and IV of Index, sub "Treasury Rights."
24. This statement is made by Mr. Harrison in *Virginia Land Grants*, pp. 139-40.
25. Thomas P. Abernathy, *Western Lands and the American Revolution*, p. 162. See, also, the story of the Transylvania Colony in *Boonesborough*, by George W. Rancke, especially pp. 232-39.
26. Campbell, *Op. cit.*, 247-48. Fairfax Harrison, *Virginia Land Grants*, p. 61.
27. Hening's *Statutes*, I, 381. This offer of one hundred acres to each settler was just double the amount usually given and was, of course, intended to be an inducement to settlers to go to that section.
28. Anderson, *Op. cit.*, II, 308-11.
29. *Ibid.*, 315-17, *et seq.*
30. *Ibid.*, II, 316-17.
31. Certainly it is true, that with full authority to establish parishes, provide salaries and appoint ministers, not a single clergyman was sent to the province of Carolina during the space of nearly twenty years after the granting of the charter. Anderson, II, p. 328.
32. Fairfax Harrison, *Virginia Land Grants*, p. 61. The original of this charter is in England. If there is a copy in Virginia it has not become available to the present writer; he has here copied the statement made by Mr. Harrison. Because of this fact, it cannot be stated here whether this first grant included all the unseated territory, i.e. from the York River to the settlements in Northumberland County north of the Wicomico River and facing on the Potomac, or, more specifically, the territory between the Rappahannock and the Potomac Rivers. In that later case, the grant would have included, besides the unseated land from the Rappahannock to the Wicomico, the settlements already made and formed into the county of Northumberland.
33. Fairfax Harrison, *Op. cit.*, p. 63.
34. This second charter has been published in the English publication, *Calendar of State Papers Colonial Virginia and the West Indies*, 1669-74, p. 22 *et seq.*
35. The later history of the Northern Neck grant is as follows:

Shortly before the expiration of the term of twenty-one years, Lord Thomas Culpeper, who had previously bought out all the other heirs, secured, in 1788, a new charter from King James II, extending the patent in perpetuity. In this new charter, certain individual phrases were inserted in order to define more clearly what was meant by the phrase "the heads of the rivers" in the earlier grant. This former charter conveyed all the land between the two rivers to the heads thereof, and it was generally understood in Virginia that this meant the heads of navigation in each river. The general opinion was, therefore, that a line drawn from the vicinity of the later established towns of Fredericksburg or Falmouth to Aquia Creek on the Potomac should mark the natural boundary of the Northern Neck. The new charter secured by Lord Culpeper very definitely declared the heads of the rivers to be 'the furthest head-springs of the Potomac' and 'the furthest head-springs of the Rappahannock and its tributaries.' The matter was eventually fought through the Virginia courts to the privy council in England, and the proprietor, now being Lord Fairfax by inheritance from Lord Culpeper, won the case. A line was drawn by officially appointed surveyors from the headspring of the Potomac at the farthest point of Maryland to the headspring of the Rapidan River at Swift Run Gap, that being the southernmost tributary of the Rappahannock.

By this decision Lord Fairfax secured a tract of considerably more than five million acres of land, which he and his heirs held until Virginia's declaration of independence and the final success of the American Revolution. The Lord Fairfax of that later date received a very large grant of money from the British government in partial remuneration of his loss in the abolishment of his proprietorship by the Commonwealth of Virginia.

For a fuller account of this subject, see Fairfax Harrison, *Virginia Land Grants*, pp. 61 *et seq.* See also the Running of the Fairfax line as described by the surveyor, Thomas Lewis, in his Journal. This was published by John W. Wayland in 1925 under the title, *Fairfax Line*.

In view of the strong protests from Virginia, the king did deem it expedient to take away from the proprietors the regalities he had given in the grant of the Northern Neck; so that the citizens of that section continued to enjoy the same political and ecclesiastical freedom as the people of the rest of the colony.

Only once in its later history was the question raised, as far as the present writer knows, of any palatinate regality belonging to the proprietor. In 1737 one Mr. Charles Green, a young minister who had just arrived in Virginia, was recommended by Governor Gooch to the vestry of Truro Parish (now in Fairfax County). Upon his arrival, he spoke rather scornfully about the action of the governor in recommending him and declared to the vestry that Lord Fairfax, as the proprietor, had the sole right to appoint a minister to the charge of Truro Parish. This action brought Mr. Green very promptly an invitation from the governor and council to come to Williamsburg and enlighten them on the subject. A little plain talk gave the young man a very different conception of the life of Virginia, and after an apology to the governor and council he was sent back to Truro. The vestry elected him as their minister, and he served the parish until his death in 1764. (See McIlwaine's *Executive Journals of the Council*, IV, 407, 413. See also Goodwin, *Op. cit.*, 274, and the references there given. Also the letter of Gov. Gooch in *Virginia Magazine XXXIII*, 53.

See *infra*, Chapter XXII, p. 365 for further discussion of the quit-rents.

36. McIlwaine, *Journal of the House of Burgesses*, 1659-93, p. 56.

37. McIlwaine, *Op. cit.*, p. 61. See also Fairfax Harrison, *Op. cit.*, 64-5.



38. This charter is given in full in Hening, II, 569-78. The whole section of this volume of Hening, pages 518 to 583, is devoted in very large measure to papers dealing with these two grants. See also Fairfax Harrison, *Op. cit.*, pp. 64-5.

The matter of the grant to Lords Arlington and Culpeper was necessarily held in abeyance during Bacon's Rebellion in 1676-77 and for the succeeding few years of confused conditions arising therefrom in Virginia. But the matter was again taken up. Lord Culpeper bought out Lord Arlington's share in 1681, and in his deed of sale Lord Arlington stated very pathetically that "he had received no quit-rents nor any other profits at all" (Hening's *Statutes*, II, 582.) Lord Culpeper then in 1784 sold his proprietorship of Virginia south of the Rappahannock back to the king for an annual pension of £600 to run for the remaining twenty-one years of the life of the original grant of 1674. See Fairfax Harrison, *Op. cit.*

39. Many accounts of Bacon's Rebellion have been published. The best modern account is given by Thomas Jefferson Wertenbaker in the "*Torchbearer of the Revolution*." Published by the Princeton Press in 1940. His chapter, entitled "Essay on Authorities," gives a full list of original and later sources.
40. The most important, if not all, the laws protecting the Indians can be found by consulting the Index of the second volume of Hening's *Statutes*, under the heading of "Indians."
41. Hening's *Statutes*, II, 150-52.
42. *Ibid.*, II, 274-5.
43. See a fuller account of the Indian campaign of 1676 in Matthew Page Andrews' *Virginia the Old Dominion*, p. 148, *et seq.*
44. Hening's *Statutes*, II, 374, footnote.
45. *Ibid.*, II, 341-42, and 391, and the footnotes in each case. See also the Introduction to Volume II, pp. iv and v.
46. Force's *Tracts*, Vol. I, Article "*Bacon's Rebellion*," p. 22.

# The Church Under Charles Second

IT MUST have been with a profound sense of relief that those who were especially interested in the welfare and development of the Church in Virginia saw the return of Charles Second to his father's throne. Church conditions under the Commonwealth had been inexpressibly bad because of the inevitable cutting off of all contacts with an organized Church in the mother country and the desperate methods to which they were compelled to resort to secure the supply of ministers needed to fill the parishes.

The authorities of the colony, with the hearty consent and approval of the great majority of the colonial population, could make brave and effective disapproval of the course of events in England. They could strengthen the law requiring, without exception, the strictest and most constant use of the Prayer Book in answer to the action of Parliament in abolishing its use in England. They could proclaim Charles Second as king upon the death of his father and win the continued use of the Prayer Book in the Articles of Surrender of the colony to Parliament. But the Church in Virginia could do nothing to counteract the fact that the whole government of the Church of England had been abolished; that every bishop had been removed from his diocese and every diocesan official silenced and an entirely different and alien form of government and method of worship set up in its stead.<sup>1</sup>

While Virginia was hopelessly outside of any diocese or province of the Church, it was compelled to look to the Church of England for a continuing supply of clergymen. This supply was now cut off at its source. The method whereby young men were approved, sent to the Universities, and trained for the ministry, had been abolished, and the bishops were driven out, scattered, in hiding or in exile. It was quite possible for an occasional young man, either of his own financial means, or by support of interested friends, to take his course at the University and be ordained in secret by some bishop; but the supply from this source could not be sufficient to fill the need even in England itself.

There were many cases in which, more or less perhaps in secret, groups and communities of Church people secured a minister to continue to hold the services of the Church; but there would be none ordained for Virginia, because there was no organization or group in England who were interested in trying to secure young men to study for the ministry and be ordained for Virginia. As the Cromwellian period drew to its close, this condition was getting much worse and more serious. A number of the Cavalier clergy who had been evicted from their parishes had come to Virginia in the latter years of Charles First and the earlier years of the Commonwealth, but this supply was now failing; and indeed at no time had a sufficient number of Cavalier clergymen come to supply all of the colony's need. The difficulty of the situation was enormously increased by the great influx of new settlers. The growth of population in Virginia from 15,000 in 1648 to over 40,000 in 1671<sup>2</sup> meant that the population had increased nearly three-fold in twenty-three years. This had inevitably resulted in the establishment of new parishes in the fresh territory thrown open to settlement and in consequence increased the number of ministers required.

By the year 1661, there were between forty-five and forty-eight parishes in Virginia,<sup>3</sup> and the number of clergymen in charge of parishes, even with the addition of some ministers of other ordination, who were willing to conform and use the Prayer Book, was steadily decreasing.

Immediately following the return of Charles Second to the throne in May, 1660, the use of the Prayer Book was reinstated in England and the organization of the Church of England restored. Nine only of the old diocesan bishops were still living,<sup>4</sup> and, as soon as they were returned to their dioceses, new bishops had to be consecrated to fill the vacant sees and a new archbishop of Canterbury appointed to fill the vacancy that had existed since the beheading of Archbishop Laud in 1644. The clergy of Presbyterian or Independent ordination, who had become rectors of Anglican parishes, were forced to face the alternatives either of conformity to the Anglican Church doctrines and liturgy or else of giving up the parishes which they had occupied. A new law was at this time enacted by Parliament, which forbade any minister, except one of Anglican ordination, to hold a parish in the Church of England.

Over two thousand ministers holding parishes or cures refused to conform to the Anglican discipline and liturgy and were forced to give up their Anglican parishes in just the same way in which their Anglican predecessors had been forced out after the banishment of the Prayer

Book in order to make way for them. Unquestionably, many hardships were suffered by those clergymen who were thus thrown out of the parishes which they had in many cases held for many years; and yet, as one looks at the matter from this distance, it would seem to have been an impossible thing for the Church of England to have retained in its body of clergy and rectors of parishes a group of two thousand ministers who did not believe in the doctrines of the Anglican Church and refused to use its liturgy.<sup>5</sup>

But this meant two thousand parishes to be filled as quickly as possible by the appointment of rectors of Anglican ordination. The surviving clergy of those who had been forced out in 1645 and later were not in sufficient number, even with the addition of those who had been ordained in private to fill these vacancies; and pressure must have been brought upon every available young man of good character and ability to seek ordination in order that the parishes might be filled. Yet in every diocese many parishes must have remained unfilled until conditions became more stable and a normal supply of clergy assured. In such a condition as this, there was very little opportunity for Virginia to secure additional clergymen from England to fill her vacant parishes. R. G., writing under the title, "Virginia's Cure," in 1661 his appeal to the bishop of London for help to be given to Virginia stated that, with about fifty parishes in the colony, not more than ten had resident ordained ministers.<sup>6</sup>

One may perceive and understand from the laws then enacted by the General Assembly as well as from the picture drawn by R. G., unduly darkened in background though it well may be, the feeling of desperation in the colony at the inability to secure ministers for their parishes. They did what they could by directing that vacant parishes should select worthy and godly laymen as lay-readers with the advice and help of ministers of neighboring parishes,<sup>7</sup> and in cases where ministers held two or more parishes the vestries might choose readers to officiate when the minister was in another of his parishes.<sup>8</sup> Quite probably it was the very fact of the great scarcity of ministers and the seeming impossibility of securing an adequate supply that was one of the impelling causes for placing in the Vestry Act of 1662 the new requirement that, after vestries were once elected, the vestrymen themselves might select men to fill such vacancies as should occur in their body. The vestry was the one permanent and continuing body and seemed to be the only element of security and continuity under the conditions which they faced.<sup>9</sup>



It is quite understandable that, in the anomalous conditions under which the Church in Virginia was endeavoring to exist, and which continued to some extent at least throughout the administration of Governor Berkeley, the vestries of some parishes, especially perhaps on the frontier counties, failed to build churches and acquire glebes as had been directed under the law. "What is the use of taxing the parishioners and spending their money for glebes when we cannot secure a minister? Why not wait until conditions become more stable?" It is quite understandable that there should have been arbitrary action by one vestry or another. And yet it would seem that Morgan Godwyn's scornful words about "Lay-Ministers of the Vestries ordination"<sup>10</sup> were hardly fitting or called for when caused by conditions beyond the power of either the vestries or the General Assembly itself to control, when vestries simply could not secure ordained ministers in any way.

. . . . .

One may perceive a very definite plan emerging from the enactments and the orders of the General Assembly and the writings of the leaders of the Church in Virginia, whereby they hoped that the difficulties under which the Church was laboring might be corrected and the Church strengthened and strongly established at last in their rapidly growing colony. Briefly stated, their plan, as thus appearing, was to include the following steps:

1. A revision and restatement of the laws of the colony dealing with religion and the Church, to be undertaken and included in a general revision of the laws of the colony.

2. The revival of the plan for a college and secondary school (then called a Free School) connected therewith, for which subscriptions and gifts were to be asked generally throughout the colony and later in England.

3. The sending of a deputation to England with a desperate appeal for help for the Church in the colony. The appeal was to be made to the king through the bishop of London, to ask for four things:

- (a) To send a bishop as soon as might be convenient, who might ordain to the diaconate worthy men at present serving as lay-readers, so that the parishes, in the lack of priests capable of performing the full work of the ministry, might at least have the authoritative service of men in the lower order of deacons, rather than have to depend upon the service of laymen.

- (b) To request the king by act of parliament to direct the two universities of Oxford and Cambridge to establish fellowships which a student might hold for seven years of study and preparation, after which he

would be bound to go to Virginia and serve for seven years in the Church in the colony.

(c) To solicit the king to authorize an appeal throughout the churches in all the dioceses of England for gifts to help in the establishment and endowment of the proposed college and free school and in the present emergency to help pay the expenses of young men who would be willing to be ordained for Virginia.

(d) To present the dire need of the Church in Virginia for necessary ecclesiastical organization and to urge that, just as soon as it could be done, a diocese be established in Virginia and a bishop consecrated and sent over to become the head of a first overseas diocese of the Anglican communion.

King Charles Second ascended the throne on May 29, 1660, and immediately thereafter the anniversary of that day was made a holy day of thanksgiving in Virginia as it was in England.<sup>11</sup> At the meeting of the General Assembly held ten months later, in March, 1660/61, Sir William Berkeley was officially requested to go to England as the special representative of the colony to plead for the removal of the onerous Navigation Acts,<sup>12</sup> and also to present to the king a petition for his interest and intervention in securing collections for the proposed college and school, and in asking the help of Oxford and Cambridge Universities in providing ministers.<sup>13</sup> At the same meeting the Rev. Philip Mallory was sent to England as a special representative of the colony "to undertake the soliciting of our church affaires in England."<sup>14</sup>

Just one year later in March, 1661/62, the Assembly met and undertook the complete revision of the laws of the colony and the issuance of a new code. This code, when completed, began with the laws governing the Church, and the preamble ends with the following striking words:

"And because it is impossible to honour the King as we should unlesse wee serve and feare God, as wee ought, and that they might shew their equall care of the church and state they have sette downe certaine rules to be observed in the government of the church, until God shall please to turn his majesties pious thoughts towards us and provide a better supply of ministers among us."<sup>15</sup>

In the very hesitation with which this preamble speaks of "rules" for the government of the Church instead of "laws," they seem to show the realization that, as a civil legislature, they were, because of circumstances beyond their control, performing the duties of an ecclesiastical

synod, and their understanding that these rules were to continue in force until a proper ecclesiastical organization had been secured seems to indicate that plans were being formulated through which this might be obtained. Certainly such apparent hesitation to enact laws for the Church had never appeared in any previous code. But, as one reads the words, "until it shall please God to turn his majesties pious thoughts towards us," may one read between the lines and perceive that, in the year that had elapsed since Governor Berkeley and Philip Mallory had been sent to England, reports had come back to Virginia of the hopelessly futile play-boy who had been elevated to the throne, and the cloud of disappointment and disillusionment was beginning to form in their minds?

The "diocesan canons" in this code of March, 1661/62, with comments thereon, are given in full in the appendix for the convenience of those who may desire to study them more carefully. The main points of difference from preceding codes consisted, as had been indicated above, in strengthening the canon on the vestry, in making further provision for the employment of readers, and in enabling vestries to secure subscriptions from individuals and to pledge larger salaries than the amounts produced under the normal operation of the law would provide. In addition to these amendments, the act for the establishment of the the proposed college and free school was strengthened by making provision for the acquirement of land as the site of these two institutions.<sup>16</sup>

The movement for the college and free school began in March, 1660/61, with the passage of an act<sup>17</sup> that

*"WHEREAS* the want of able and faithfull ministers in this country deprives us of these great blessings and mercies that allwaies attend upon the service of God which want by reason of our great distance from our native country cannot in probability be alwaies supplied from thence *Bee it enacted* that for the advance of learning, education of youth, supply of the ministry and promotion of piety there be land taken upon purchases for a colledge and free schoole and that there be with as much speede as may be convenient houseing erected thereon for entertainment of students and schollers."

This was followed immediately by a subscription of considerable amounts by the governor, members of the Council and the burgesses and, at the same session, an order was adopted directing that subscriptions be asked of individuals at every county court, and that in every parish the vestry should endeavor to secure such subscriptions as they

could.<sup>18</sup> Having done this, they prepared their petition asking permission of the king to solicit gifts in England.<sup>19</sup>

From the point of view of the colony, this would seem to have been a most auspicious time for starting such a movement and carrying it to a successful conclusion. The great increases of population during the preceding decade, as has already been stated, were mainly of the Cavalier families, whose loyalty to King Charles First made their position in England uncertain. It is to this period that most of the more prominent Virginian families of later generations have looked to find their emigrant ancestors, and it would be difficult to disprove the statement that more persons of culture and university education came to Virginia in this decade than in any previous period. The demand, therefore, for the establishment of a secondary school and a college for the education of their children would become increasingly greater, and, under normal conditions of growth, both institutions might have been established and developed into successful operation even if no material help had come from England.

But, from every standpoint, except that of the growing realization in Virginia of the need of a college, the conditions both in England and in Virginia made the decade of 1660-70 a hopeless one in which to undertake such an effort. The Restoration brought an inevitable confusion and overturn of financial status as families whose representatives had taken too prominent a part under Cromwell suffered fines and loss of property and other punishment, and the many Cavalier families who had lain low and lived inconspicuously came back into the open with eager expectation of financial reward for their loyalty in order to recoup their losses. With a play-boy upon the throne, this was not a time for arousing interest and seeking contributions for a college in a remote colony. Other adverse conditions were the confusion caused by the years of the Great Plague in England with its loss of thousands of lives, the great financial loss caused by the fire which destroyed so large a part of London, and the exceedingly unpopular war with the Netherlands. In Virginia there was an increasing poverty caused by the inflation of the tobacco market and the discouragement caused, on the one hand, by the oppressive Navigation Act, and, on the other hand, by the inability to establish greater fiscal stability than their monetary medium of tobacco could provide. And there were the losses incurred in the burning of ships loaded with tobacco during the invasion of the James River by the Dutch fleet in 1667. All these were being augmented by the increasing dissatisfaction with the arbitrary



conduct of their governor, Sir William Berkeley, in his practical abolishment of free government through refusal to call for a new election of the members of the House of Burgesses. So it was that the plan for a college and school died, and Virginia had to wait thirty years longer before their college became a reality.

Yet there was already in existence in Virginia in 1661 an educational institution which, it would seem, might have been made the nucleus of a college and secondary school. This was a free school established in the town of Hampton under the will of Benjamin Syms, a long-time resident of the colony who had devised, under his will, dated February 12, 1634/35, two hundred acres of land on the Poquoson River (which is the present boundary between Elizabeth City and York Counties) and a stock of eight cows, as the nucleus of a future herd of cattle, to be used to establish a school for the education and instruction of the children "from Maries Mount downward to the Poquoson River." The money arising from the sale of the first increase of the cattle was to be used to build a school house, and the profits of later sales were to go to the payment of tuition for poor and needy scholars.<sup>20</sup>

This bequest for educational purposes, being the first gift of the kind in the colony, was confirmed by the General Assembly in an act of the session of March, 1642/3.<sup>21</sup> In this act, the school is definitely described as a "free school."<sup>22</sup> The Syms School is known to have been in operation in 1647. A local correspondent writing in that year to a friend, presumably in England, wrote:

"We have a free School, with two hundred acres of land, a fine house upon it, forty milch kine, and other accommodations. The benefactor deserveth perpetual mention, Mr. Benjamin Syms, worthy to be cronicled. Other petty schools we have."<sup>23</sup>

There were indeed certain other free schools either in operation or recently provided for by gift or will in 1670, in addition to the "petty schools" mentioned by this correspondent. One Captain John Moon established a free school in Isle of Wight County in 1655, and Thomas Eaton, in 1659, made liberal provision for another free school in Elizabeth City County besides the Syms School already in operation there. In 1675, Henry Peasley gave a tract of six hundred acres of land in Robins Neck, in Gloucester County, together with ten cows and a breeding mare as stock, to establish a free school in Gloucester County.<sup>24</sup>

In view of the fact that each of the above schools except the Peasley School was in existence in 1671, it is hard to understand how Sir Wil-

liam Berkeley, in replying in that year to a questionnaire sent him by the Lords Commissioners of Foreign Plantations, could have stated, "I thank God there are no free schools nor printing, and I hope we shall not have these hundred years, . . . God keep us from both."<sup>25</sup> His piety in this particular instance seems to have been as badly misplaced as his accuracy.

In addition to sending the Rev. Philip Mallory to England in 1660, to plead for attention to the needs of the Church, as has been stated above, Sir William Berkeley was requested to present to the king the colony's petition for a general collection in all the churches for the establishment of the proposed college.<sup>26</sup> But if his opinion in regard to "learning" was the same in 1660 as it was in 1671, one may perhaps discover one of the reasons for the failure of that project.

Besides Philip Mallory there was another Virginian clergyman in England at that time, the Rev. Roger Green, who, although not mentioned at all in the legislative order under which Mallory went, yet was certainly associated with him in the effort to present the needs of the Virginia Church to the English authorities as effectively as possible. One of the most important documents of that period is a pamphlet appeal to the bishop of London written in 1661 and published in 1662, in which the conditions and needs of the Church in Virginia are clearly set forth.

This pamphlet, "Virginia's Cure,"<sup>27</sup> was written by an author who gave his initials only, R. G., and who described himself as having gone to Virginia at the time of the persecutions of the Church in England. It seems clear that he was in England when he prepared and presented that pamphlet. Roger Green had already appeared, under the erroneous name of John Green, in association with Philip Mallory in 1656, when these two clergymen were appointed a commission to examine the credentials of incoming clergy,<sup>28</sup> and it would be hard to think that the R. G. who published the pamphlet was any other person than the Roger Green who had spent so many years in Virginia. If this inference is correct it would seem that Philip Mallory and Roger Green co-operated in preparing this appeal to the bishop of London. Mallory unfortunately died within a few months of his arrival in England,<sup>29</sup> and it must have been left to Green as an unofficial representative to present the appeal and to seek wider interest by its publication.

His argument was that the one sure way of overcoming the difficulties under which the Church in Virginia labored would be to establish sufficient towns in every county, and compel the population to leave

their residences in the open country and live in the towns, going out to the farms for their daily labor, so they could build their churches and schools where all the people of the parish might attend.<sup>30</sup> This was very clearly a recommendation for the adoption in Virginia of the plan that had proved so effective in New England, of a township several miles square with a village or town as the "Center"; but from the experience of the Virginian planters, it would never have succeeded because of the need of large farms for the cultivation of tobacco.

Apart from the argument of the pamphlet, its great value lies in its description of the physical condition of the colony consisting, except in the case of a few more thickly settled sections on the lower James River, of scattered farms running along the banks of the rivers, thereby making parishes in many cases fifty miles long and a mile wide. The newer counties were in the same case, the county consisting of the territory on both shores of the river and extending back to the indeterminate water-shed ridge which divided the territory drained by one river from that drained by the next and the parish covering the same territory. But, whatever the geographical size of the territory from watershed to watershed, the population and the occupied land pressed close to the shore as the great artery of travel. For this reason, incidentally, all the earliest church buildings were immediately on the river bank, because the parishioners came mostly by boat.

But such a condition reveals at once the two greatest difficulties of Virginian settlement. The first of these was that the long drawn out parishes and counties made it practically impossible to establish a town as a center at the county court house and exceedingly difficult to provide enough church buildings to enable all the parishioners to attend regularly. There was this in favor of church attendance, however, that, because of the very fact of lack of any other communal center, the church itself and the churchyard became the center for the meeting of neighbors and the dissemination of county "news," with perhaps many a business transaction in the churchyard before or after service. Because also the church on Sunday was the only regular meeting place of the community, official civil notices, governmental proclamations, and laws and orders requiring to be brought as promptly as possible to the attention of the community, were read at the time of the service. The second difficulty was that back of all the farms the original forest covered the interior between the rivers and made it very easy for skulking groups of Indians to range through the more sparsely settled sections. This made it all the more difficult for the settlers to protect

themselves from their ever treacherous enemy and made the loss of life and destruction of property far greater, as, for example, in the Indian atrocities which preceded Bacon's Rebellion in 1676, than would have been the case if white settlements had been more compact.

Another value of this pamphlet consists in the summation at two different points of the author's conclusion as to the help that the Church in Virginia most required from England. Certain things could be done by the strengthening of the laws of the colony, the most important of which was "That the Ministers that go thither be not hired by the year, as is now usual, but firmly instituted and inducted into Livings of stated value by the Subscriptions of their Vestries." But the help which England alone must give was two-fold.

"*First.* That for a continual supply of able Ministers for their Churches, after a set term of years, your Lordship would please to endeavor the procuring an Act of Parliament, whereby a certain number of Fellowships as they happen to be next proportionately vacant in both the Universities, may bear the name of Virginia Fellowships, so long as the needs of that Church shall require it; and none be admitted to them, but such as shall engage by promise to hold them seven years and no longer; and at the expiration of those seven years, transport themselves to Virginia, and serve that Church in the Office of the Ministry seven years more, (the Church there providing for them) which being expired, they shall be left to their own Liberty to return or not:<sup>31</sup>

"*Second.* That there being divers persons already in the Colony fit to serve the Church in the office of Deacon, a Bishop be sent over, so soon as there shall be a City for his See, as for other Needs of that Church, so also, that after due Probation and Examination, such persons may be ordained Deacons, and their Duty and Service be appointed by the Bishop."<sup>32</sup>

While the recommendation as to Virginia scholarships at the two Universities is very clear-cut and definite, the author is indefinite, as one venturing beyond his own proper field, in his recommendation concerning the sending of a bishop. He suggests the sending of a bishop for the temporary present need of ordaining men as deacons, but at the same time he speaks of waiting until "there shall be a City for his See," or, to put it more clearly, a city which he could make the site of his official residence and his cathedral seat of ecclesiastical authority. Both of these things were sadly needed. One was the immediate sending of a bishop (a suffragan-bishop appointed for that temporary purpose by the king as the temporal head of the Church would have sufficed) to ordain such men as might be found worthy and fitted for the work,



and to do whatever else he could for the setting in order and strengthening of the Church. Beyond that was the greater and permanent need that a diocese should be established and a bishop consecrated for that new See, in order that the Church in Virginia might at last receive the full organization of the Church and have its own leadership and normal power of organization and administration.

Nothing whatever is known of any effort either to establish the Virginia fellowships at the Universities or to send a bishop to Virginia on an official visit to ordain deacons. Certainly neither of these things was done, and the Church in Virginia had to continue to do the best it could until times grew more normal, and a larger supply of clergymen became available in England. But it is known that some ten years later, in 1672, some influence or pressure was at last brought to bear upon the privy council and the king, and a movement was inaugurated for the establishment of a diocese in America with Jamestown as its see city. The plan was carried to the extent that a charter was prepared for the establishment of a diocese of Virginia<sup>33</sup> and a minister was selected and nominated by the king to be the first bishop. This happened in the year 1672. The bishop-nominee was the Reverend Alexander Moray (or Murray), a Scottish clergyman who had been with Charles in the effort he made to regain the throne in 1652, and who was present at the defeat of Charles' troops in the decisive Battle of Worcester in that year. Alexander Murray had escaped along with the prince and had fled to Virginia, where he had become the rector of Ware Parish in Gloucester County. Very little is known concerning him, nor is the date of his coming to Virginia known, nor the beginning of his rectorship. As far as is known, he was the first minister of Ware Parish and continued in that charge until his death a short time after 1672. He is known to have patented land in Gloucester County in 1672, but his death soon after must have prevented his completing the requirements of settlement, and the land escheated to the king. Like so many other of the clergy of Virginia, Moray was a frequent correspondent of scientists and professional men in England, and some of his letters to his kinsman Sir Robert Moray, one of the founders of the Royal Society, have been published in *William and Mary Quarterly Magazine*.<sup>34</sup>

No one knows today what happened to stop the proceedings and bring the proposed plan to a fiasco. The privy council, following an ordinary custom, announced that a public hearing would be held on a certain day to consider the king's nomination of Mr. Murray. Then darkness fell upon the whole movement. The charter was never signed

by the king and so did not go into effect. Alexander Murray was not consecrated bishop of Virginia. One suggestion has been that a change of administration in Parliament brought into power a prime minister who was not interested in the matter and so dropped it.<sup>35</sup> Or it is quite possible that Murray himself might have died just at that time. But the plan failed, and the Church, not only in Virginia but in all the American colonies, was never again so near the attainment of an episcopate which would have made the Anglican Church a living vital force in all the colonies. It was forced to continue its anomalous existence without proper organization for over a century longer until, in the face of the flat refusal of the English government to permit the consecration of Samuel Seabury as bishop of Connecticut, the Church in America received its episcopate through the action of the proscribed and ignored little Episcopal Church of Scotland, centering in the Scottish Highlands at Aberdeen.

. . . . .

Disappointment at the failure, or seeming lack of success of the effort to secure greater interest on the part of ecclesiastical and civil authorities in England in the problems of the Virginia Church must very quickly have been swallowed up in the uncertainty as to the secular conditions affecting the whole life of the colony. It soon became evident that the strangling Navigation Act, instead of being repealed, was being strengthened and made more onerous. Carolina had been given away and the grantees under the first grant of 1649 of the Northern Neck were pressing their demands that it be put into effect, and the low price of tobacco was disrupting all financial security. Church matters would have to wait until these threats against Virginia's life should be met and overcome.

To add to the general distress of the colony, a very serious plot, with ramifications extending to other sections and threatening the welfare of the colonial government, was discovered in Gloucester County in September, 1663, upon the very eve of the day set for a general uprising. This has always been called "The Servants' Plot," because the conspiracy was formed, or came to a head, among certain indentured servants, the plan being to raise the standard of revolt at Poplar Spring Church,<sup>36</sup> from whence the armed bands of conspirators were to go forth to gather recruits, to murder and to burn. The ringleaders were captured and hanged and the plot failed, but it is easy to see the profound impression the incident made throughout the colony—a terror

so widespread that the General Assembly set apart the day upon which it was discovered and checked, September 13, as a holy day of thanksgiving to be observed annually in every parish.<sup>37</sup>

"Whereas it is evident," the Act begins, "that certaine mutinous villaines had entred into such a desperate conspiracy as had brought an enevitable ruine to the Country had not God in his infinite mercy prevented," . . . These words reveal a clear perception of the greatness of a danger that the country had escaped, a form of expression which could hardly have been used if the plot had been merely a sporadic thing among a group of indentured servants in one community who were discontented with the conditions under which they were compelled to live. Yet, strange to say, the whole matter seemed to have been so promptly and so completely shut up that no satisfactory reason has ever been given in any record of what was really happening, or what, or who, was involved in the threatened rebellion. Just a little inkling has come down, whispered almost from mouth to mouth, that these servants who were implicated in the plot were not the ordinary run of indentured servants but political prisoners, men who had been affiliated with Cromwell or the Parliamentary party, and who had perhaps been connected in some way with the execution of King Charles First. A certain number of the "regicides" had been tried and executed after the restoration of Charles Second, and others who had been tried and convicted of complicity were sent as felons to the colonies to serve during the whole length of their sentence as indentured servants. If it is really true that these ringleaders who were executed in Gloucester County were outstanding members of the Parliamentary party sent hither to exile and hard labor, one may easily understand that the conspiracy, if it had succeeded, might have set up a standard of revolt against the king to which other convicts and political exiles, both in Virginia and Maryland, and perhaps other colonies, could have flocked.<sup>38</sup>

This experience brought vividly to the attention of the people of Virginia the constant menace to their welfare arising from the custom of sending to the colony persons convicted of crime in the courts of England. This custom had been started by King James in the early days of the colony and had been continued with some protest ever since. But The Servants Plot of 1663 made the danger so real that, seven years later, the General Court of the colony issued an order reciting the facts and conditions, and forbidding the landing anywhere in Virginia



of convicted felons or "jail-birds" sent hither by the courts of England.<sup>39</sup> This ended the custom as far as Virginia was concerned, for the time being at least.

A matter of considerable importance, from a religious standpoint and which had been raised in many colonies since the first importation of heathen Negro slaves from Africa, was the question, very hotly debated in some places, whether the fact of baptism of a Negro slave did or did not automatically effect his release from slavery. The Rev. Morgan Godwyn, who, after his brief service in Virginia, had at some later time served for some years in the Barbadoes, published later his pamphlet, *The Negro's and Indian's Advocate*, telling of his experiences and the great difficulties he had found in trying to preach to the Negro slaves in Barbadoes. The greatest difficulty there had been the opposition of many English planters, arising from their unwillingness to permit their slaves to be baptized, because of their belief that baptism would automatically release a slave from the bonds of slavery and make him a free man. Opposition to the baptism of Negro slaves also appeared in New York and other colonies after the Society for the Propagation of the Gospel had been organized and had undertaken specific work amongst them, and legislative enactments were sought and obtained which declared that the fact of baptism made no change in the legal status of the person baptized.<sup>40</sup>

No definite record has been found of any opposition arising in Virginia to the baptism of Negro slaves, but the question must have arisen in some way, and the matter was presented to the General Assembly for a definite statement. The answer of the Assembly was an act adopted at the session of September, 1667,<sup>41</sup> and dealt with the question from a very distinctly Christian and missionary standpoint.

"*WHEREAS* some doubts have arisen whether children that are slaves by birth, and by the charity and piety of their owners made partakers of the blessed sacrament of baptisme, should by vertue of their baptisme be made ffree; *It is enacted and declared by this general assembly, and the authority thereof*, that the conferring of baptisme doth not alter the condition of the person as to his bondage or freedome; that diverse masters, ffreed from this doubt, may more carefully endeavour the propagation of christianity by permitting children, though slaves, or those of greater growth if capable to be admitted to that sacrament."

Quite evidently very little was done by the people of Virginia to convert the enslaved African Negroes to Christianity upon their arrival. The native language of the Negro was a barrier which no Englishman



could cross, and it was only after the newly imported slave had lived long enough in Virginia to give him some understanding of the English language that anything could be done to Christianize him even though a desire to do so should be present.

The condition was different, however, in the case of Negro children born in slavery, for they grew up with a sufficient knowledge of more or less broken English to enable them to be taught. It would seem that, in view of the universal custom in the Anglican Church of baptizing infants, there can be little doubt that Negro slave infants were generally baptized whenever and wherever a minister of the Church was available to perform the service, provided the master and mistress would agree to stand as sponsor. The question of teaching them, and training them in the morals of the Christian religion, was, however, a different matter, and depended upon the sense of Christian obligation felt by the individual families of masters and mistresses. No record bearing upon the subject appears to be in existence at this early date. Doubtless the sense of obligation was not as strong in very many cases as might have been desired, and many slave children were not presented for baptism, especially as the clergy, as a rule, required the masters and mistresses to stand as sponsors for the slave children whom they presented for baptism.

It is quite possible that doubts about the question of baptism upon the civil status of the child did not arise among the Virginians themselves at so long a time, nearly fifty years, after the first introduction of Negroes, but was introduced from outside. Quite possibly Morgan Godwyn himself had first raised the question. He came to Virginia about 1665, shortly after his graduation from Christ College, Oxford. He served as minister of Marston Parish in York County for a year or so, and several years in Stafford County, and later returned to England. Later he seems to have spent some years in the Barbadoes, after which he prepared and published his pamphlet, *The Negro's and Indian's Advocate*, which is a very strong appeal to the Church of England for a greater interest in the Christianization of the Indians and Negro slaves of their colonial possessions.<sup>42</sup> Published in 1680, it must have had an appreciable effect in turning the minds of members of the Church towards the need of a national missionary society and so was a step toward the accomplishment in the formation of the Society for the Propagation of the Gospel in 1701.

Godwyn came strongly into the Virginia scene by writing a heated and strongly colored letter to Governor Berkeley in 1667, either just

before, or shortly after, he returned to England about the conditions that he had found in the Church in Virginia.<sup>43</sup> This letter was published in 1680 as an addendum to his *Negro's and Indian's Advocate* and is clearly a statement of conditions as they were in 1665-6 rather than in 1680. It was written when the difficulties in the way of securing ministers were almost insuperable and, as stated in "Virginia's Cure," four-fifths of all the parishes had to depend upon lay readers, "leaden Lay-Priests of the Vestries ordination," as Godwyn very scornfully called them. The charges he makes, mainly arising from the refusal of the vestries to present their clergy for induction, the lack of a higher ecclesiastical authority in the colony than the ministers of its several parishes, and the necessity to use lay-readers in the lack of clergy, were well known to the governor and to everyone else who knew anything about the conditions of the colony, and quite possibly he had run across more than one case of arbitrary action on the part of a vestry.<sup>44</sup> But while calling attention to the situation, he makes no effort to show just how the higher ecclesiastical authority was to be secured, nor how Virginia was to secure more ministers. And the animus of this young man, who had manifestly not stayed in Virginia long enough to enable him to understand the difficulties under which the Church was compelled to live, was so bitter that Lieutenant Governor Moryson called Godwyn's letter a "virulent libel."<sup>45</sup>

. . . . .

Bacon's Rebellion in 1676, being a widespread uprising, had its effect upon the Church as upon everything else in the colony. Undoubtedly some of the clergy and many vestrymen remained loyal to the governor, while it is equally certain that many clergymen and many vestries sided with Bacon and the people. Two at least of the clergy suffered for their loyalty to the governor. The Reverend James Wadding, who had gone from an earlier charge as minister of James City Parish to Petsworth Parish in Gloucester, was arrested because he not only refused to take the oath demanded by Bacon but did his utmost to prevent others from doing so. "It is your place," said Bacon, "to preach in the church and not in the camp. In Church you may say what you please, but in camp you will say what I please." Mr. Wadding remained under guard with other prisoners during the campaign in Gloucester, and, while imprisoned, was called to administer the last comforts of religion to Bacon as he lay dying.<sup>46</sup> The Reverend John Clough, the minister of James City Parish at Jamestown, was tried by

a military court under Bacon's orders and sentenced to be executed for his activity in aiding the governor, but the sentence was not carried out and he was later released.<sup>47</sup>

On the other side, the Reverend Thomas Gordon, living in (Old) Rappahannock County (now Richmond and Essex Counties), and presumably minister of Farnham Parish in that county, was convicted by the General Assembly in 1677 of having taken too prominent a part in the "rebellion" and was disbarred from ever holding another parish or from performing any ministerial function. And

*"Be it further enacted by this present general assembly and the authority thereof, and it is hereby enacted, That Thomas Gordon, on his bended knees, before the right honourable the governour and councell, with a rope about his neck, acknowledge his treasons and rebellions and beg his life, and in the like manner acknowledge his crimes in Rappahannock Court, etc."*<sup>48</sup>

But when the parson returned to his home county of Rappahannock to give the repeat performance of his penalty before the county court, he realized the great difference of temper and sentiment between Jamestown and Tappahannock and staged a very different act from what he had done before the "Honourable governour and councell." Amid, doubtless, the broad smiles and laughter of both the honorable justices of the county court and the assembled audience, Thomas Gordon and another who had been sentenced to perform the same penalty appeared before the court with small tape around their shoulders, instead of the halter that had been ordered, and "acknowledged their treasons and rebellions" in an atmosphere of great hilarity.<sup>49</sup>

"A good time was had by all," no doubt, but the very dignified General Court, with the new Governor Jeffreys presiding, heard of it, and Major Robert Beverley was sent immediately up to Rappahannock County to investigate the matter and, if the evidence warranted it, to summons all parties so offending, including magistrates, county officials and prisoners, to appear before the bar of the next Assembly "to answeare such high contempt before the right honourable the governour and councell, and house of burgesses, to them such contemners, dispisers, and slighers of the laws, upon due conviction, may receive condinge punishment of their fault." There is, unfortunately, no further record existing in this case, and one does not know what happened. Quite possibly, in a cooler moment, somebody realized that it might be better to settle that matter quietly rather than have the colony

rocking with laughter at the disrespect shown in a frontier county. The ringleaders and principal men engaged in the rebellion had all been punished, but the rebellion had been too widespread, and there were entirely too many who would sympathize with the incident which occurred at the county court.

The General Assembly, which met in June, 1676, under the influence of Nathaniel Bacon, enacted a law amending the Vestry Act of 1662 by requiring an election of vestrymen once every three years.<sup>50</sup> But this new act was annulled along with all the other laws enacted at this "rebellious" session of the Assembly and was never reenacted. Indeed, it was about the only one of Bacon's Laws which failed of reenactment in the subsequent sessions of the Assembly. Petitions came to the Assembly from more than one county asking that a law be reenacted to permit triennial elections of vestrymen, along with petitions from other counties calling attention to the great difficulty still experienced by the parishes in their efforts to secure "honest, able, sober, pious and orthodox ministers," and requesting that a petition be sent to his majesty urging him to send an annual supply,<sup>51</sup> but nothing came of them.

The Church, along with the rest of the colony, gradually settled down to more normal existence in the years immediately following the rebellion. Conditions, as far as securing ministers was concerned, began gradually to improve and, therefore, as a consequence, Church life in the parishes became more normal. In the year 1680, an official report was made by the colonial government giving a list of parishes in the colony and the names of the incumbent ministers. This is the oldest list of parishes and ministers that has survived the lapse of time, and for the first time there is a contemporary statement of the Church from official sources. This list gives the names of forty-eight parishes and thirty-five ministers. Several of the ministers held more than one parish, and forty-four of the forty-eight parishes are reported as under their charge. Four parishes, all of them as it happens being in Charles City County, were reported as having "readers only."<sup>52</sup> This report shows an entirely different situation from the condition which existed twenty years earlier, when R. G. in 1661 reported that not one-fifth of the parishes in the colony had ministers. The Church, along with the colony as a whole, had faced and passed through its darkest and most disastrous days, made all the darker and more bitter because of the dashing of the great hopes they had in the return of their king to his



throne. But both Church and colony had fought their way through every disaster and happier times were to come.

Charles Second died February 6, 1684/5. His last act as regards Virginia was the appointment of Francis, Lord Howard, Baron of Effingham, as governor of the colony. This was in August, 1683, and when Lord Howard arrived in Virginia in February, 1683/4, he brought, much to the surprise of everybody, a gift of Bibles and other books made by the king for the use of the parishes. Bibles! From his sacred majesty Charles Second! The General Assembly solemnly thanked him—and asked for more.<sup>53</sup>

## THE QUAKERS

The Quaker movement originated in England in 1648 and spread with such velocity and so widely that, within ten years, the Quakers seem to have been present and attracting unfavorable attention not only in every part of Great Britain but throughout England's colonial dominions. They seemed to thrive on persecution and no law appeared strong enough to keep them out of any section. They came into Virginia as elsewhere during that decade and increased in numbers steadily for many years. They appear indeed to have been more widely extended and in larger numbers than is generally known. The two largest centers of Quakers in Virginia were in Henrico County, from whence they extended into Hanover and Charles City, and in Nansemond and adjoining southside counties from whence they extended far and wide into North Carolina. Indeed, the number of Quakers in North Carolina in the early years of the eighteenth century was so great as to be of serious import and embarrassment in both civil and military affairs.

The period of the Restoration is marked in Virginia by very definite efforts to exclude the Quakers from the colony, as shown both by laws enacted by the Assembly and also by action taken in removing from office persons proven to be Quakers. These laws began with "An Act for the Suppression of the Quakers" adopted at the session of March, 1659/60, just as the Commonwealth was tottering to its fall.<sup>54</sup> This was followed in December, 1662, by "An Act against Persons that refuse to have their children baptized,"<sup>55</sup> and in September, 1663, by "An Act prohibiting the unlawful assembling of Quakers."<sup>56</sup> The fourth and last act was adopted at the session of June, 1680, entitled "An act prohibiting unlawful disturbances of divine service,"<sup>57</sup> which,

though not mentioning the Quakers by name, was very obviously called for by their activities along that line. In addition to these laws, the Assembly found it necessary to purge its own membership in 1663, when, at the September session, it was reported that Mr. John Porter, one of the burgesses from Lower Norfolk County, was "very loving to the Quakers and had been at their meetings, and was so far an anabaptist as to be against the baptizing of children,—upon which the oaths of allegiance and supremacy were tendred to him which he refused to take"; whereupon Mr. Porter was unseated and dismissed from the House.<sup>58</sup>

Knowing as we of today do the deeply spiritual content of the faith and teaching of the present-day Society of Friends, and the worldwide efforts for human betterment and relief of suffering which their organizations are making, the question is frequently raised as to the reason why the Quakers, during their first century, from 1648 to 1748, should have been so generally distrusted and disliked, and so frequently persecuted, even to mutilation or death, or driven away from communities into which they endeavored to come. In Massachusetts, four Quakers were hanged on Boston Common in 1659 and the following years,<sup>59</sup> and in other colonies exceedingly stern laws were enacted against them. In Virginia, while no Quaker was ever put to death on account of his faith, the laws enacted at first were intended to prevent their coming into the colony, and later, when they were shown to be ineffective, others were adopted ordering Quakers to be fined for not bringing their children to baptism, forbidding them to hold religious meetings where more than five persons were present, and imposing heavy fines upon those who endeavored to interrupt or break up the services held in the parish churches. Later on, after the Toleration Act of 1689 went into effect, the laws against their holding services were abolished and the chief effort at repression consisted thereafter in the enactment of laws governing the militia and requiring attendance at military drill. They were fined for not coming to the quarterly general musters held in every county and so failing to take their part in military drill. And always, in time of war, they were suspected of disloyalty and even of giving aid to the enemy. A study of the laws of the Virginia Assembly governing the militia will show that fines against the Quakers for not taking part in the regular drills were usually lightened in times of peace and heavily increased in periods of war. Before the time of the Revolution, however, Quakers had won their right to refrain from military service, and in 1772 the sect of Mennonites, who

had recently come into Virginia, were given the same right of non-combatancy<sup>60</sup> as the Quakers themselves.

Their loyalty was everywhere suspected. On January 15, 1690/91, when England was at war with France, it was reported to the Council of State of Virginia that the Quakers in the province of Pennsylvania had declared that, if the French and Indians should attack Philadelphia, the Quaker populace would march out unarmed and announce their refusal to fight. The danger was thought to be all the greater because of the report coming to the Council that the Quakers in Virginia were not obeying the requirement of the Act of Toleration of 1689 but were holding meetings at which Quakers from Maryland and Pennsylvania were present. The justices and sheriffs of the several counties were, therefore, ordered to watch the Quakers and see that they observed the law.<sup>61</sup> There is not a shred of evidence, as far as is now known, to prove that the Quakers of Philadelphia really made such a statement but, being so in consonance with their doctrinal tenets, the Council of Virginia believed that such was their attitude, and, doubtless, this report of the disloyalty of Pennsylvania was carried to other colonies besides Virginia.

The same charge—and better authenticated perhaps—was made by Governor Spotswood in 1711 against the Quakers in Henrico County. Being ordered by the queen to purchase 3,000 barrels of pork for the use of the militia engaged on the campaign against the French in Canada, he reported in great indignation that the Quakers in that frontier county had refused to sell any pork for the militia but had openly declared that, if a French fleet should sail up the James River, the Quakers would “feed their enemies” and furnish all the supplies they needed.<sup>62</sup> It may be stated, also, in this connection that, when in 1712, the Tuscarara Indians attacked settlements in North Carolina, the Quakers, said to have composed about half of the population of that colony, refused to serve in the militia and the governor of North Carolina was compelled to write to Governor Spotswood to borrow two hundred of the Virginia militia to help defend Carolina and its Quakers from the Indians.<sup>63</sup>

A similar suspicion and distrust of the loyalty of the Quakers of lower Pennsylvania and New Jersey to the American cause during the Revolution became so widespread and so strong that a large number of Quakers living in that section were removed and interned near Winchester in Virginia in the year 1777.<sup>64</sup> Yet, in spite of attempts at repression in both England and the colonies, the early Quakers increased

so steadily in numbers that they infiltrated into all the colonies, and three, West Jersey, East Jersey and Pennsylvania, had come under their direct control before the end of the seventeenth century.<sup>65</sup>

The reason for the dislike and fear of the early Quakers is to be found in their beliefs and practices during the first formative years of their existence. They arose in England as a new school of thought, or sect of Christians, in the midst of the welter of religious and theological lawlessness that followed immediately upon the suppression of the Established Church and the abolition of the Prayer Book in 1644.<sup>66</sup> But because there was in it something of abiding value, it endured while scores of other so-called sects and incipient movements of religious thought died of their own lack of worth.

George Fox, the founder and first leader of the Quakers, or "Friends in the Truth," as they called themselves, secured his first organized group of followers at Mansfield in England in 1648.<sup>67</sup> His movement grew and spread with such rapidity that by the end of 1655 Quakerism "had run like wildfire through England and was being carried to Ireland and Scotland";<sup>68</sup> and by 1659 laws were being enacted against them in both Massachusetts and Virginia.

The primary and fundamental teaching of George Fox, and of all Quaker leaders to the present day, has been the deeply spiritual conviction of the direct and personal relation of the individual soul to God without the necessary intervention of any sacrament or outward liturgical rite or service whatsoever. Their teaching of this doctrine was carried to the extreme of not only denying the need and importance of the old sacraments of Baptism and the Lord's Supper, and abolishing organized forms of worship in their meetings, but also a definite refusal to take part in these things when used by other Christians. And they carried their belief in the equal value of every human soul in the sight of God to the extent of refusal to acknowledge or take part in the usual forms of courtesy and respect to persons of social or governmental position.

It is of profound interest, from a psychological standpoint, that, having refused to concede the value of, or to take part in, the age-old sacraments of the Christian Church, they established and maintained sacramental acts of their own devising, in their refusal to swear to the truth of a statement, their use of "thee" and "thou" and denial of "honor" to those in authority; and their refusal to bear arms under any circumstances. Many of them suffered imprisonment gladly for the sake of these things.<sup>69</sup> Braithwaite says of them: "Their use of thee



and thou to all ranks of men, and their refusal to 'hat-honour' and of oaths were parts of their witness for reality in life, and for a single standard of conduct between God and man."<sup>70</sup>

The fundamental teachings of Quaker faith, as held and practised by men and women of well-balanced mental and spiritual development, have, doubtless, proven of profound spiritual value and help in the life of many a person who has been repelled from the older forms of faith and worship by overmuch and unwise emphasis upon forms of liturgy and sacrament. But, when the Quaker doctrines have been held by illiterate, untrained and less balanced persons, their practice and development have resulted in serious denials of the fundamental doctrines of the Christian faith,<sup>71</sup> and to practices which have been hurtful to the true welfare of community life.

The secret of the rapid growth in numbers of the early Quakers is to be found in the "enthusiasm," or intense emotionalism of their preaching. This appealed very strongly to the uneducated and uncultured masses, as giving to them a form of religious experience and a method of making religion vocal in their own lives, which they had not had either in the Established Church, or in the Presbyterian, the Independent, or even in the earliest Baptist, or Anabaptist groups. It would seem to be a very significant thing that, after the drifting away of the Quakers from their earlier emotional forms, and especially after the beginning of the Great Revival under John Wesley in 1738 and the taking over by the Methodists and the Baptists of the emotionalism of revivals, the first rapid growth of the Quakers was slowed.

The very name "Quakers," by which, from the beginning, the followers of George Fox have been called, arose from the excessive emotional experiences through which many of their first members passed in their unregulated assemblies. They believed, moreover, that, because they were animated by the Spirit of God, they were privileged to criticise and antagonize and to enter into bitter controversy with the preaching and teaching of the Established Church and the more conservative Presbyterians and Independents and all others who thought differently from themselves.

"As a result of this faulty conception of the 'Inward Light'," wrote Dr. Braithwaite, copying from Barclay, an early apologist of Quakerism, "the early Friends depreciated learning and, in the sense of enhanced personality which came to them, thought themselves freed from human error and ignorance; and they were betrayed into extravagances of speech and conduct."<sup>72</sup> Again, Braithwaite writes: "Extrava-

gances of conduct attended the beginning of the movement, especially in the disturbances of ministers, virulent and aggressive controversy, and unwise testifying by signs."<sup>73</sup>

It can be easily understood, therefore, that the early Quakers made themselves exceedingly odious whenever they adopted these tactics, and they were considered a menace to the welfare both of the civil government and the community. The Puritan ministers of Cumberland and Westmoreland in England wrote of them: "Satan disgorgeth from his hateful stomack a swarm of Quakers; these . . . came upon us like a furious torrent; all is on fire on the sudden, many are unsettled, the foundations shaken, and some apostatize; here we are beaten off and are forced to lay other things aside that we might more fully binde ourselves to quench these flames."<sup>74</sup> So distrust and fear of what more orthodox Christians considered an evil thing led to persecution of the Quakers wherever they appeared.

In addition, however, to this tendency to controversy and interruption of Church services, there were very definite reasons why the Quaker was considered undesirable as a neighbor, or as a member of the community. He could hardly be called a citizen because he refused to take an oath of allegiance to the king and the government of the colony. His refusal to have his children baptized put them entirely outside the pale of the Christian Church, according to the thought of the day. The Quaker, as an unbaptized person, could not hold office of any kind, even if he had been willing to take the necessary oaths; and if he should get into trouble and be convicted of a felony he could not even secure remission of penalty, as a first offender, through pleading Benefit of Clergy.

But by far the most serious disqualification, and the factor most hurtful to the welfare of the community, was the Quaker's refusal to bear arms. During the whole first century, the settlements of the English were along the river shores. As stated by Roger Green in his "*Virginia's Cure*," the parishes, especially in the newer sections, consisted merely of a fringe of farms along the river shores, and behind the farms was always the forest, where the Indians might roam unsuspected by the whites.

The law of the times required every male resident, master or servant, in every county to meet regularly in general musters and undergo regular military drill; and every man was required to keep in his own home his gun and ammunition. The purpose of this regular and constant drilling was to keep all men accustomed to military service, for no one

could ever know when an Indian attack upon some home might come, or where. If at any time an attack were made upon any plantation, or a group of marauding Indians was seen, messengers sent in every direction would bring every man in the community to a central point with his gun and ammunition; and, being accustomed to company drill, each one would fall at once into his proper position with some officer in command and so be ready to attack or pursue the Indians.

But the Quaker refused to drill, or to bear arms, or to fight. Consequently, he would be of no use at all in case of Indian attack; and if it should happen to the occupants of any plantation that the majority of the nearer neighbors were Quakers, there would be little chance of help in such a case of need. The people who settled and made America, alike in New England, New York, Maryland, Virginia and Carolina, knew that the only hope of protection of their wives and children, and the preservation of their homes and colonial institutions, lay in their willingness and constant readiness to fight against the Indians, or any other enemy ;and they simply could not understand, nor did they want among them, any man who was unwilling to fight when dangers even worse than death threatened those whom they loved.

The Virginia laws of 1659/60 and 1663, forbidding Quakers to come into Virginia or to stay in the colony and forbidding them to hold services, failed to keep them out. It is very obvious that more and more of them came into the colony. This would seem to indicate that these laws were not invoked except when Quakers started unhappy or virulent controversy, or proved otherwise undesirable. In cases where incoming Quakers were content to live at peace with their neighbors and refrain from acrimonious controversy, it would seem probable that nothing was likely to be done to prevent their settling in the colony. This laxity of enforcement would seem to be in entire conformity with every fact that is known of the attitude and determination of the leaders of Virginia's life to make the establishment of religion as easy and as free from burden upon worthy and peaceable dissenters as possible.

Thomas Story, the famous English Quaker, who wrote and published a journal of his life and work as a Quaker preacher, writes at length of his experiences in America, and tells most interestingly of his two prolonged visits to Virginia in 1698/9 and 1705. In his daily journal he comments at every stopping place, with manifest pleasure, upon the welcome given him and his friends, the freedom of public preaching accorded him, wherever he went. He was welcomed and entertained over and again at Anglican homes, and he records occasionally the fact

that a sheriff or constable or county justice of the peace was present at his preaching. He does not record a single case in which anybody in civil authority in Virginia protested against his preaching or tried to stop him. He writes rather triumphantly of having challenged two parish clergymen, "the Scotch priest" and "the French priest," as he called them, to a debate upon the doctrines of the faith. But the high point of his visit came when the governor of the colony, learning of his approach, invited him and his friends to the governor's mansion, entertained them and furnished them with fruit to carry with them on their journey.<sup>75</sup>

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#### CHAPTER XV • NOTES

1. For an account of the difficulties of the Church of England during the period of the Commonwealth, see G. G. Perry, *History of the Church of England*, pp. 475 *et seq.*: Or any other History of the Church of England.
2. Campbell, *History of Virginia*, p. 206. "There were in Virginia in 1648 about 15,000 English and of Negroes that had been imported three hundred good servants."

Sir William Berkeley's report to the Lords Commissioners of Foreign Plantations in 1671, states the population of Virginia to be "over forty thousand persons, of which there are two thousand black slaves." See Hening's *Statutes*, Vol. II, p. 515. Or see *infra*, Appendix VII, p. 504.

3. R. G., in his pamphlet, *Virginia's Cure*, published in 1662, stated that there were about fifty parishes in Virginia, but inasmuch as Governor Berkeley stated definitely in his official questionnaire report in 1671 that there were then forty-eight parishes in the colony, R. G.'s estimate of the number ten years earlier would seem to be too high.
4. G. G. Perry, *History of the Church of England*, p. 489.
5. *Ibid.*, p. 505.
6. *Virginia's Cure*, or an Advisive Narrative concerning Virginia, Discovering the true ground of that Churches Unhappiness and the Only True Remedy: As it was presented to the Right Reverend Father in God Guilbert Lord Bishop of London, September 2, 1661. Now published To further the Welfare of that and the like Plantations. By R. G. .... x ..... London, Printed by W. Godbid for Henry Brome at the Signe of the Gun in Ivy-Lane, 1662.

It has been republished in Force's *Historical Tracts*, Vol. III, No. 15. The statement here made is on p. 2.

7. Hening, II, 29-30, adopted at March session, 1660/61.
8. *Ibid.*, II, 46/47, adopted at March session, 1661/62.
9. *Ibid.*, II, 44/45.
10. For this statement of Rev. Morgan Godwyn, see Appendix VII, p. 513.
11. Hening, II, 49.
12. *Ibid.*, II, 17.
13. *Ibid.*, II, 30-31. "A petition in behalf of the Church."



14. *Ibid.*, II, 34. The full act is as follows:

"WHEREAS Mr. Phillip Mallory hath been eminently faithfull in the ministry and very diligent in endeavouring the advancement of all those means that might conduce to the advancement of religion in this country, *It is ordered* that he be desired to undertake the solicitation of our church affaires in England, & that there be paid him as a gratuity for the many paines he hath allreadie and hereafter is like to take about the countreys business the sume of cleaven thousand pounds of tobacco, to be paid in the next levy."

15. *Ibid.*, II, 43.

16. *Ibid.*, II, 56.

17. *Ibid.*, II, 25.

18. *Ibid.*, II, 37.

19. *Ibid.*, II, 30.

20. *William and Mary Quarterly Magazine*, First Series, Vol. VI, p. 72.

21. Hening, I, 252. The act is as follows:

ACT XVIII. *Be it also enacted and confirmed* upon consideration had of the godly disposition and good intent of Benjamin Symms, dec. in founding by his last will and testament a free school in Elizabeth county, for the encouragement of all others in the like pious performances, that the said will and testament with all donations therein contained concerning the free school and the scituation thereof in the said county and the land appurteining to the same, shall be confirmed according to the true meaning and godly intent of the said testator without any alienation or conversion thereof to any place or county."

22. It must be remembered that the term free-school did not mean a school in which there was no charge for tuition. It meant practically a school which, being free of restrictions holding it to a definite purpose or particular group, was open to the attendance of any child for whom the charges of tuition could be paid. In this case the two-hundred acre farm and the stock of cattle provided an endowment, the income of which was to be applied to the payment of tuition charges of children whose families were unable to pay for them.

23. *William and Mary Quarterly Magazine*, First Series, VI, 72.

24. Lyon G. Tyler, "*Williamsburg, the Old Colonial Capital*," p. 112. It is interesting to note that the Syms School and the Eaton School, both in the town of Hampton, the county-seat of Elizabeth City County, and the Peasley School in Gloucester County, continued in existence through the colonial period and for years later. After the collapse of the Episcopal Church in Virginia following the legislative act of 1802 whereby its property of glebes and endowments was taken away by the Commonwealth, the movement of that day for the establishment of Academies resulting in the combining of the Syms and the Eaton Schools into one institution known as the Hampton Academy. After a checkered career until the year 1869, The Hampton Academy was merged into the Hampton High School of the new system of public instruction introduced into Virginia under the new State Constitution; and the old Academy endowments were continued and held for the support of the high school. The present name of that high school as The Syms-Eaton High School commemorates the names of the founders of the two original schools.

In similar manner the property of the Peasley School in Gloucester was held by the county after its seizure under the Act of 1802, until about 1870, when it was sold, and the proceeds established as a permanent fund, the income of which is applied to the support of the county public school system.

25. Hening, II, 517. See also *infra*, p. 506. Another, and peculiar example of inaccuracy in Governor Berkeley's answers is his statement in reply to the question "What are the boundaries and contents of the land within your government?" His reply was, "As for the boundaries of our land it was once great, ten degrees in latitude, but now it hath pleased his majesty to confine us to halfe a degree. Knowingly, I speak this. Pray God it may be for his majesty's service, but I doubt it." His statement that the original extent of the coast of Virginia was ten degrees is fairly correct, but after the giving away of the territory of Maryland and of Carolina and even after the king's giving away of the Northern Neck, the remaining shore line of Virginia was considerably more than half a degree. Inasmuch as a degree of latitude is something less than seventy miles, half a degree would be less than thirty-five.
26. Hening, II, 30-31.
27. *Virginia's Cure*; see *infra*, Appendix VII, pp. 492 *et seq.*, for copious extracts from it.
28. See *supra*, Chapter XIII, p. 138.
29. Goodwin, *Colonial Church in Virginia*, p. 291.
30. *Virginia's Cure*, p. 18.
31. *Ibid.*, p. 10.
32. *Ibid.*, p. 18.
33. This charter for the establishment of a diocese in Virginia appears in its original Latin form in the Virginia volume of *Historical Documents of the American Colonial Church*, by William Stevens Perry, pp. 536-42. It is given in English translation in the *Virginia Magazine of History and Biography*, Vol. XXXVI, pp. 45-53. The most pertinent passages are here given:  

"Since, therefore, among all our possessions the royal plantation named Virginia not only offers of all others the best hope for the Church's growth because of, in addition to being a large country, the plenitude of nations and multitude of Indians, but also seeing that it is the first and oldest of all, as one might say the Alma Mater, whence the rest of the plantations took their start, and furthermore supported them and us by annual revenues; and seeing that it has always paid due reverence to the Church of England (for which cause it has the more deserved our care), we have decided to establish and confirm it, together with all our other American plantations under the most excellent form and government of the Church. . . .

"Wherefore we, having the fullest confidence in the piety, prudence and zealous care of the most Reverend Father in Christ, Gilbert, Archbishop of Canterbury, Primate and Metropolitan of all England, decree and decide to subordinate and place the aforesaid region and Church of Virginia together with all our American domains, or plantations hereinafter mentioned, and all other places in America subject to us together with their present and future churches, under the Arch-episcopal See of the Province of Canterbury, and under the care, government, authority and jurisdiction of the aforesaid Most Reverend Father, Gilbert, Archbishop of Canterbury, &c and of his successors, in the very same way and no other, as now every episcopal see whatsoever or diocese in our realm of England is under the authority and jurisdiction of the aforesaid Most Reverend Father, Gilbert, Archbishop of Canterbury and of his successors. . . .

"Wherefore we considering as touching the decree of the recently mentioned region of Virginia, that James City there is mentioned and the Church there; that the place is fit, convenient and necessary for instituting, erecting, arrang-

ing and establishing an Episcopal See and a Cathedral Church for the worship in perpetuity of Almighty God; we have made and accordingly by these presents we do make this decree of the recently mentioned region of Virginia, that the place of James City and of the church there be created, erected, founded and established as an Episcopal See and a Cathedral Church; and the same James City and its Church we do truly and fully create, erect, found, arrange, make, constitute and establish strictly for all future time as an Episcopal See and a Cathedral Church; and we will and order by these presents that it be so established and forever be inviolably observed. And so we will and by these presents ordain that the aforesaid Cathedral Church or Episcopal See be and henceforth forever shall be the Cathedral Church and Episcopal See, and that all our city, Jamestown be from now and henceforth forever a city, and we will and decree that it be called and named the City of Jamestown; and by these presents we make and ordain a Diocese out of the said city and region with all our domains or American plantations hereinafter mentioned and all other places in America subject to us; and we will and ordain that in like manner forever it be called, and spoken of, witnessed to and named the Diocese of Virginia.

"And in order that this our intention may produce due and fuller effect, we, having fullest confidence in the learning, morals, probity and prudence of our beloved.....do nominate and choose him.....as the Bishop of the said See of Virginia and by these presents do choose, nominate, make and create him.....Bishop of Virginia. And we will and by these presents do concede and ordain that the same Bishop be a corporation incorporated in deed and in name; and we declare, accept, ordain, make and constitute him forever a corporation sole; and that he have perpetual succession, and that he and his successors shall be named and called forever by the said title Bishop of Virginia." . . .

While this charter included all the English colonies in America and all the islands in the Caribbean Sea and the West Indies as part of the Diocese of Virginia, there is one express provision made: "Nevertheless we will and by these presents declare that the said.....and the Bishops of Virginia his successors shall in no wise exercise episcopal jurisdiction and authority over their New England, but we will that our subjects living within New England be immune, free and totally exempt from all episcopal government and authority, until such time as shall otherwise be ordered by us."

It may be noticed in passing that this charter is the first official document in which the king, as the temporal head of the Church, had placed Virginia and the rest of America in any established position in the Church of England. By this charter America was placed in the Province of Canterbury and under the jurisdiction and administration of the archbishop thereof. But the charter was never signed and so never went into effect.

- 34 See Goodwin, *The Colonial Church in Virginia*, p. 295. Also *William and Mary Quarterly Magazine*, Second Series, Vol. II, pp. 157-61.
35. W. F. France, *The Oversea Episcopate*, p. 6, says: "After the Restoration Dr. Alexander Murray, who had shared the King's exile, was nominated Bishop of Virginia, and Letters Patent were granted. This plan failed with the fall of Lord Clarendon.
36. This Poplar Spring Church was later, about 1724, succeeded by a larger brick church erected upon the same site, to which was given the name Petsworth Church, as the church of Petsworth Parrish, succeeding the two earlier churches, Poplar Spring Church and Purton Church. Petsworth Church building was



abandoned and sold during the period of desolation of the Church in the early part of the nineteenth century, and the bricks used to erect the first Hotel Chamberlain at Old Point Comfort. The site of the church is located on the highway from Saluda to Gloucester, and it is noteworthy not only for being the proposed center of operations of the Servants Plot of 1663 but also as the place of interment of a coffin filled with stones and earth in 1676, which was officially interred as containing the body of Nathaniel Bacon, the Rebel, while actually the body was interred secretly in another place to protect it from the indignities which Governor Berkeley would have heaped upon it if it could have been found.

37. For the Act, see Hening II, 191.
38. See Campbell, *History of Virginia*, p. 263, and other histories of Virginia for the very scanty details that are given.
39. Hening, II, 509-10. The extract from the records of the General Court is as follows:

"April to 20th, 1670. The complaints of severall of the councell and others, gent. inhabitants in the counties of Yorke, Gloster, and Middlesex representing their apprehensions and feares, least the honor of his majestie and the peace of his collony be too much hazarded and endangered by the great numbers of fellons and other desperate villaines sent hither from the severall prisons in England, being this day read in councell, we have, upon most serious and carefull consideration of the same, thought fitt to order and doe hereby accordingly order, that for prevention and avoiding the danger which apparently threatens us, from the barbarous designes and felonious practices of such wicked villaines, that it shall not be permitted to any person trading hither to bring in and land any *jaile birds* or such others, who for notorious offences have deserved to dye in England, from and after the twentyeth day of January next, upon paine of being forced to keepe them on board, and carry them to some other country, where they may be better secured. And we have been the more induced to make this order, by the horror yet remaineing amongst us, of the barbarous designes of those villaines in September, 1663, who attempted at once the subversion of our religion lawes libertyes, rights and proprieties, the sad effect of which desperate conspiracy we had undoubtedly felt, had not God of his infinite mercy prevented it, by a tymely and wonderful discovery of the same; nor hath it been a small motive to us to hinder and prohibit the importation of such dangerous and scandalous people, since thereby we apparently loose our reputation, whilst we are believed to be a place onely fitt to receive such base and lewd persons. It is therefore resolved that this order remaine in force untill his majestie shall signifie his pleasure to the contrary, or that it be reversed by an order from his most honourable privy councell, and that it be forthwith published that all persons concerned therein may take notice of it accordingly."

40. Frank J. Klingberg in his *Anglican Humanitarianism in Colonial New York* tells of the opposition to the baptism of slaves found in that colony by the earlier missionaries of the Society for the Propagation of the Gospel. See pp. 127 *et seq.*
41. Hening, II, 260, Act III.
42. *The Negro's and Indian's Advocate Suing for their Admission to the Christian Religion*. A Persuasive to the Instructing and Baptizing of the Negroes and Indians in our Plantations. To which is added A Brief Account of Religion in Virginia. By Morgan Godwyn. Sometime St. of Ch. Ch. Oxon. London 1680."



43. See Appendix VII, pp. 511 *et seq.* for this letter of Godwyn in full.
44. That abuses did sometimes exist is unquestionable. The following petition of the inhabitants and householders of St. Stephen's Parish then in New Kent County, but later in King and Queen County, presented in 1682, is illustrative:

"To the Rt. Honn<sup>ble</sup> Sr. Henry Chicheley Kt., His Maties Deputy Governor & Capt. Gen<sup>ll</sup> of Virginia And to the Honn<sup>bl</sup> Councill of State.

"Wee the Subscribers, Inhabitants & House Keepers of St. Stephens parish in the County of New Kent, most humbly Sheweth: That your Petitioners have beene for severall yeares past burtened with an Illegall Vestry Elected & made up for the major part without the Knowledge or Consent of the parish as the law injoynes, and of such Illiterate & Ignorant men as are, and have been, Ever Ruled and Awed by one or two particular persons, who are soe Insulting, and of such Ill disposed & turbulent spirits & dispositions, That noe Minister Cann or will stay with us or teach amongst us, by w<sup>ch</sup> meanes the Service of God is wholly neglected, our Church gon to Ruine and Church Desipline & Government almost Clerely laid aside.

"And for as much as our parish is not Destitute of such Able, discreet, and honest men as may fitly supply the places of severall week & Ignorant persons of the present vestry according to the good Lawes of this Country, Your Pet<sup>rs</sup> in all humillity Supplicateth your Honn<sup>rs</sup> that we may have Liberty to Elect & make Choice by Gener<sup>ll</sup> Voat of the Inhabitants of our said Parish of good Persons (for a new Vestry) as in our Judmt may seeme meet & Convenient which will Indubitably tend much to the Glory of God, and the peace & welfare of the whole Parish.

"And your Pet<sup>rs</sup>, as in all Humility and Duty bound for Your Honors shall Ever pray &c."

This petition bears sixty-six signatures. The petition is preserved among the executive papers of the year 1683 in the Archives Department of the Virginia State Library. It has been published in the *Virginia Magazine of History and Biography*, Vol. XLI, pp. 196 *et seq.* The petition itself is illustrative of the custom in force all through the colonial period of presenting appeals to the General Assembly whenever either minister or parishioners felt aggrieved or injured by the actions of the vestry. This right of appeal was the great safeguard of both people and clergy against arbitrary action by the vestry, and every appeal or petition presented seems to have been given careful investigation.

45. Goodwin, *Op. cit.*, p. 272.
46. Thomas Jefferson Wertenbaker, *The Torchbearer of the Revolution*, pp. 171, 177. See also Goodwin, *Op. cit.*, p. 313.
47. *Ibid.*, p. 172. Goodwin, *Op. cit.*, p. 260.
48. Hening, II, 378.
49. *Ibid.*, II, 557.
50. *Ibid.*, II, 356.
51. McIlwaine, *Journals of the House of Burgesses*, 1659/60-1693, pp. 99, 102, 105-06. These petitions came from Northampton, Isle of Wight, Rappahannock and Westmoreland Counties.
52. This List of Parishes of 1680 has been published in *State Papers of Colonial Virginia, Senate Document No. 60*, pp. 103-04. But the copyist found considerable difficulty seemingly in reading the original, and made some serious errors. Photostat copies of the original are in the Virginia State Library and

the Virginia Diocesan Library. Official Lists of parishes and the ministers in them are now available, as prepared in the years 1680, 1702, 1704, 1714, 1726, 1735, 1754, 1758, 1774-76, 1787.

53. McIlwaine, *Journal of the House of Burgesses*, 1659/60-1693, pp. 230, 243, under date of May 16, 1684.
54. Hening, I, 532-33.
55. *Ibid.*, II, 165-66. This law would affect Anabaptists as well as Quakers.
56. *Ibid.*, II, 180-83.
57. *Ibid.*, II, 483.
58. *Ibid.*, II, 198.
59. See article The Society of Friends, by W. C. Braithwaite in James Hastings' *Encyclopedia of Religion and Ethics*, Vol. VI, p. 145.  
Other books dealing with the Quakers are *The Quakers in the American Colonies*, by Rufus M. Jones, assisted by Isaac Stevens and Amelia M. Gummere; and *The Beginnings of Quakerism* by William C. Braithwaite.
60. McIlwaine's *Journals of the House of Burgesses*, 1770-72, pp. 266, 280, 291. The Act was adopted April 2, 1772.
61. McIlwaine, *Executive Journals Council of Colonial Virginia*, Vol. I, p. 141, under date of January 15, 1690/91. Also pp. 160-61 of Feb. 20, 1690/91.
62. *Letters of Alexander Spotswood*, (published by the Virginia Historical Society), Vol. I, p. 120.
63. *Ibid.*, Vol. I, p. 149.
64. See *Exiles in Virginia, With Observations on the Conduct of the Society of Friends during the Revolutionary War*. Comprising the Official Papers of the Government relating to that Period, 1777-78. Philadelphia, 1848. See also McIlwaine, *Journals of the Council of State of Virginia*, Vol. I, pp. 499-500, Sept. 30, 1777, and Vol. II, p. 9, Oct. 15, 1777.
65. "The Quakers came into possession of West Jersey in 1674, and East Jersey a few years later; and in 1681 William Penn began the 'holy experiment' of Pennsylvania." See art. W. C. Braithwaite in Hastings' *Encyclopedia of Religion and Ethics*, Vol. VI, p. 145.
66. See Anderson, *History of the Colonial Church*, Vol. II, pp. 231-38. Especially on pp. 232-33 the statement of Edwards, himself a Presbyterian, the author of a pamphlet called "Gangraena," published in 1645. "Things every day grow worse and worse; . . . no kind of blasphemy, heresy, disorder and confusion but is found among us. For we, instead of reformation are grown from one extreme to another; from popish innovations, superstitions and prelatical tyranny to damnable heresies, horrid blasphemies, libertinism, and fearful anarchy: . . . many of the sects and sectaries in our days deny all principle of religion, are enemies to all holy duties, order, learning, overthrowing all: . . . what swarms are there of all sorts of illiterate mechanic preachers; yea of women and boy preachers! What liberty of preaching, printing of all errors, or for a toleration of all, and against the Directory, Covenant, monthly fast, Presbyterian government, and all ordinances of Parliament in reference to religion." The writer . . . enumerates in another part of his work no less than a hundred and seventy-six heretical and blasphemous tenets which were the growth of that period; and speaks of them as "strange monsters, having their heads of En-

thusiasme, their bodies Antinomianisme, their thighs of Familisme, their legs and feet of Anabaptisme, their hands of Arminianisme, and Libertinisme is the great vein running thorow the whole."

67. W. C. Braithwaite in Hastings' *Encyclopedia of Religion and Ethics*, VI, p. 144.

68. *Ibid.*, *Op. cit.*, VI, 144.

69. A striking instance of the Quaker's refusal to take an oath occurred in 1724. The record, under date of May 2, 1724, is as follows:

"Whereas Robert Jourdon, Jr., of the County of Nansemond was convicted this General Court of writing and publishing a scandalous libel reflecting on the laws of this Government and the established Church, and thereupon is by the sentence of the said Court committed to the public Gaol until he enter into bond for his good behaviour for a year and a day: And whereas the said Jourdon being a Quaker doth allege that he cannot in conscience enter into such Bond himself nor engage any of his own profession to become bound for him, but is willing to find two sufficient securities being persons of the Church of England to become bound for him: It is the opinion of this Board that upon the said Jourdon's making such application to the Governor as his Honor shall judge fit, and paying his fees, a pardon issue for remitting the sentence of the General Court, and that in lieu thereof the security offered in behalf of the said Jourdon be accepted for his good behaviour." See McIlwaine, *Executive Journals of the Council of Virginia*, Vol. IV, p. 67.

70. W. C. Braithwaite, *Op. cit.*, VI, 146.

71. The Rev. John Talbot, the first missionary of the Society for the Propagation of the Gospel sent to New Jersey, wrote under date of April 10, 1703:

"Since I came to be more acquainted with the Quakers I have much worse opinion of them than I ever had. It appears by Wm. Pen's book that he is a greater AntiChrist than Julian the Apostate. He has said that Christ is a finite Impotent Creature, and faith in the History of Christ's outward manifestation is a deadly poyson these later ages have been infected withal." (Edgar L. Pennington, *Apostle of New Jersey: John Talbot*, p. 88.)

72. Braithwaite, *Op. cit.*, VI, 143.

73. *Ibid.*, VI, 145.

74. *Ibid.*, VI, 144, footnote.

75. See the *Journal of Thomas Story*. Coming directly from England, he arrived in Virginia on the 11th day of the 12th month, in 1698 for his first visit. He spent some time in the section around Williamsburg and Hampton, going thence across the James River into Nansemond County, and down as far as Perquimans, in North Carolina, visiting the Friends and holding meetings. Returning he went along the James River upward, to Martin's Brandon on the south side and Weyanoke on the north, as far as the group of Quakers in Henrico County centering at Curles; then to the group on Black Creek near the Pamunkey River in what is now Hanover County. From there he traveled northward across the Potomac River in a journey which carried him as far as New England, and which extended over a period of more than five years. His second visit to Virginia was made in 1705, and he followed practically the same course, beginning this time at the Black Creek Meeting "below the 'Powminkie' River," and thence downward over the same territory as before, and down again into North Carolina. From the fact that he seemed to spend no time above the Pamunkey River, it may be inferred that the Quakers at that

time were scattered rather widely through the Peninsula between the York and the James Rivers, and on the south side around Martin's Brandon, (which is now in Prince George County) in Surrey and Nansmond Counties.

A great deal of Story's Journal is devoted to the account of his debate with two clergymen of the Established Church, Whom he spoke of rather scornfully as "the Scotch Priest" and "the French Priest." These were the Rev. Andrew Monroe, the minister of Newport Parish in Isle of Wight County, and the Rev. James Burtell, whose parish at that time we do not know. He described himself to Thomas Story as a Frenchman and a minister of the Church of England. Story gives very fully his debate with the Rev. James Wallace, minister of Elizabeth River Parish (i.e. Hampton). See Thomas Story's *Journal*, pp. 153-167, for the account of his first visit to Virginia, and pp. 375-431 for the second. The account of his visit to the governor's mansion is on pp. 386-7. For the clergymen mentioned see the biographical list of clergy in Goodwin's *The Colonial Church in Virginia*, pp. 243-342.



# England Under the Later Stuarts

THE period of the later Stuarts, through the reigns of James Second, William and Mary, and Anne, from 1685 to 1714, is one of profound interest to the English nation both at home and in the colonies, and of supreme importance in the history of the development and growth of the democratic ideal of government in the Anglo-Saxon race. In that period the idea of the divine right of kings to autocratic rule, which had dominated human thinking from almost the dawn of written history, met in England in a death struggle with the growing idea of human freedom and went down to final defeat. The people of England, in fighting and winning the campaign which replaced an autocratic king, "who could do no wrong," by a monarch reigning under constitutional authority, and by the will of the people, established as definite a landmark for the future of the democratic ideal in America and the later-developed English dominions as for the people of England itself. Parliament's action in 1689 in dethroning the king and passing over the one who, under the rule of primogeniture, was the rightful heir, in order to enthrone in his stead a king and queen of its own choosing, was without question a notable fore-runner of America's Declaration of Independence in 1776.

The reign of Charles Second came to its dreary end in 1685, amid strong murmurings of discontent and unwillingness that his brother, the Roman Catholic duke of York, should ascend the throne as king of England. But the failure of the Rye-House Plot in 1682-83, and the capture and execution of the duke of Monmouth when he attempted to seize the throne in 1685, proved that discontent was not yet sufficiently organized to prevent the occurrence of an event which was generally feared.

The brief reign of King James Second, from 1685 to Christmas, 1688, began with his solemn promise to defend and support the Church of England; yet, from the beginning to the end of his reign, he proved that he was intent, above all other things, upon strengthening and up-

building the position of the Roman Catholic Church and in exalting it to a position of influence and power. In carrying out this purpose, he rode rough-shod over the constitutional rights of Parliament and the Church and ignored the Englishman's ideal of independence and justice and fair play. Being checked by Parliament through the refusal of that body to consent to the appointment of certain Roman Catholics to official position in defiance of the law, he prorogued Parliament and secured from a subservient court a decision, based upon an opinion given by the chief justice, that inasmuch as the king had the right to remit penalties incurred in legal conviction of an offence against the law of the land he had the right also to dispense with the law itself by virtue of his royal prerogative.<sup>1</sup>

He put his decision into effect and endeavored to remove all disabilities against Roman Catholics and to establish entire religious tolerance by the issuance of his own regal edict and then proceeded to punish by deprivation and imprisonment those who dared to demand the observance of the constitutional right of Parliament to enact the laws under which the people were to live.<sup>2</sup> Though the question at issue between the king and the nation was a religious one, its implications reached out into every department of civil and political life. His prorogation of Parliament, his assertion of the right to enact laws affecting the whole nation by his own edict without parliamentary action, and his imprisonment of the bishops who refused to obey his order to publish by reading in the churches in their dioceses the edict of toleration, were all direct blows and constituted a continuing attack upon the English ideals of freedom and self-government. The king's attitude, moreover, being based upon his known determination to strengthen and extend the Roman Catholic Church in England, intensified all the more strongly the determination of England to resist him. There was widespread fear of religious domination from overseas, with its inevitable attack upon the Protestant religion of England and dread of the influence in English politics of the Roman Catholic Courts of France and Spain if the king should succeed in his purpose. The situation grew more and more tense, until the inevitable end was reached in an open break, and the king, realizing that the whole nation had arisen against him, fled from the country on December 23, 1688.<sup>3</sup>

Parliament, on February 13, 1688-89, elected William, Prince of Orange, (who was a grandson of King Charles First) and Mary, his wife (who was the eldest daughter of King James Second), to be joint rulers as king and queen of England. They became thereby the first

constitutionally appointed rulers of the kingdom of England. Queen Mary died in 1694, and King William continued to reign alone until his death in 1702. He was succeeded, by act of Parliament, by Queen Mary's sister, Anne, the wife of Prince George of Denmark. Upon Queen Anne's death in 1714, she was succeeded, again by definite act of Parliament, by George, elector of Hanover, who was a great-grandson of King James First. By these several appointments of kings and queens of England, Parliament, as the supreme and authoritative exponent of the will of the English people, had removed finally from English life the idea of the divine right of kings and had established a monarchy which existed solely by the will of the people to continue that form of executive administration of government—a will which is so strongly entrenched in the ideals of the national consciousness that, in our own day, it has forced the abdication of one king and the coronation of another because, upon high moral ground, the nation said: "We will not have this man to reign over us."

. . . . .

One may find in the thirteen years' reign of King William three events which have so profoundly influenced all the later life of the Anglican Communion, and indeed the whole English-speaking world, that they may in a very real sense be described as the formative principles under whose operation the development and growth of the past two hundred and fifty years have been made possible. These events were:

1. The Act of Toleration of 1689.
2. The Non-Jurors.
3. The formation of the two great promotional and missionary societies of the Church of England, the Society for the Propagation of Christian Knowledge and the Society for the Propagation of the Gospel. Some account of all three of these events is necessary in order to understand the history of the Church in America as well as the Church in England.

### 1. *The Act of Toleration*

The Act of Toleration was adopted by Parliament and received the royal assent on May 24, 1689. Out of the drawing closer together of churchman and dissenter in resistance to the effort to force the Roman Catholic Church into power amongst them, there grew on all sides the realization that the time had come for the removal of the restraints

under which non-conformists had lived since the early days of the reign of Charles Second. The prince of Orange, in his declaration which he made to the people of England upon his arrival in the country, announced that his purpose was to provide for the security of the Protestant religion and the establishment of a good agreement between the Church of England and Protestant dissenters.<sup>4</sup> So, also, the bishops and peers near London who assembled as soon as King James had fled from that city applied to the prince of Orange to "procure a free Parliament which might secure law, liberty and property, and 'the Church of England in particular, with a due liberty to protestant dissenters'."<sup>5</sup> This determination culminated in the Act of Toleration, which became law within less than five months after William and Mary had been officially accepted as king and queen.

A brief description of the Act, as given by a distinguished writer, is as follows:<sup>6</sup>

"The Act of Toleration . . . gave relief to Non-Conformists from their chief disabilities but did not grant complete religious liberty; much less did it establish religious equality in the eyes of the law. It exempted Non-conformists from the pains and penalties of the Act of Uniformity, the Conventicle Act, and the Five Mile Act;<sup>7</sup> at the same time it required people who desired to avail themselves of its privileges to take the oaths of allegiance and supremacy and make a statutory declaration against Romish superstitions, and it ordered Nonconformist ministers to subscribe to the Articles of the Church of England with the exception of three—those referring to the traditions of the Church, to the homilies, and to the consecration of bishops and priests, a fourth exception, that of the article on infant baptism, being allowed for Baptist ministers. Further it enacted that every Non-conformist place of worship should be certified by a bishop, an archdeacon, or a justice of the peace. Quakers were allowed to make a solemn declaration instead of taking the oaths, and were required to declare their belief in the Trinity and in the inspiration of the Bible. Neither Roman Catholics nor Unitarians were included in the concessions allowed by this Act, and even orthodox Non-conformity was still illegal, the persecuting laws remaining on the statute-books, and only the exaction of their penalties being forbidden. While this measure was logically inconsistent, it was practically serviceable as far as it went. It secured a considerable amount of toleration."

Unsatisfactory as it was from the viewpoint of today, this Act was a tremendous step forward in its own day. For all future time it placed the Church of England, in its relationship to dissenting Christians, in the only true Christian position, that there could be no persecution or



repression of persons who dissented from the faith of the Church, and no conformity enforced by physical or legal power. The Church, though it was the mother-Church of their race, must retain and uphold its position by its true and faithful presentation of the teachings of the Christian faith,—by the manifestation of the Spirit and not by the sword of the law.

This Toleration Act, extending its influence and provisions throughout the colonies of England, had as profound effect in Virginia, and in the other colonies, as in the home land itself. It made eventual religious liberty inevitable throughout the whole Anglo-Saxon race.

## 2. *The Non-Jurors*

Large numbers of people in England, both clergy and laity, were unwilling to take an oath of allegiance to William and Mary as king and queen of England on the ground that their oath of allegiance to James Second still held and must remain in force. While they recognized the danger both to the democratic ideal of constitutional government and to the independence of religion from the domination of the Church of Rome if King James should continue his course of autocratic disregard of Parliament, and while they perceived the necessity of having the regal authority placed in other hands after James had fled from the country, they believed, nevertheless, that their oath of allegiance still bound them, and they could not swear allegiance to another sovereign. They desired and urged that Prince William should be appointed prince-regent to rule in the place of a king who was incapacitated from ruling by his own actions.<sup>8</sup>

It is, of course, quite patent that a deeper principle was involved than the question whether an oath once taken can be disregarded under any circumstances, important as that question is. The principle at issue was the theory of the sacredness of the king's person and the divine right of the king to rule with autocratic power. If Parliament had accepted that contention and appointed Prince William as regent, it would have meant for England and the English race that the belief in the divine right of kings still held, and the succeeding sovereigns might continue to place their own will and right to rule above any constitutional guarantees of freedom and national self-government. While we do honor to the integrity of every man who gave up position or office rather than disobey his conscience, we may rejoice, for England and America and the whole world, that the battle for constitutional government was won in that day.

After the throne had been declared vacant, however, and William

and Mary had been officially accepted as king and queen of England, most of those who had opposed that action accepted the will of the majority and took the oath of allegiance to the new rulers. Some did not both in England and in Virginia. Among those who finally refused to take the oath of allegiance to the new sovereigns were the archbishop of Canterbury and the bishops of eight dioceses,<sup>9</sup> and perhaps four hundred of the parochial clergy. There were also a goodly number of laymen who followed their ministers and bishops in this course. After an interval of six months allowed by Parliament for the taking of the oath of allegiance these bishops and beneficed clergy were deprived of their cures, and other persons were appointed diocesan bishops and rectors of parishes in their stead.<sup>10</sup>

The bishops and other clergy who were thus dispossessed and their lay congregations were commonly called Non-Jurors and sometimes Jacobites. Both names appear frequently in English history during the two following generations. The same names were given rather more loosely to the people of the Scottish Highlands and elsewhere who "went out" in the Rebellions of 1715 and 1745 in their efforts to put first the son and later the grandson of James Second upon the throne of England.<sup>11</sup> They were applied also to the Scottish Episcopal Church, which, because of its activity in the two rebellions, was finally after "the 45" put under a ban by Parliament and its members forbidden to assemble for worship.<sup>12</sup>

The Non-Jurors in England formed a sort of loose ecclesiastical organization which continued with splits among themselves and steadily lessening numbers for nearly a hundred and fifty years. They consecrated new bishops and ordained additional clergy and so erected a sort of schismatic church within the Church of England. The situation therefore arose of a scattered and repressed "dissenting" Episcopal Church of Scotland, which remained to the last profoundly loyal to the Stuart kings and a non-juring Church in England whose members had remained loyal to the deposed king. Inevitably these two churches were drawn together in mutual sympathy, and Scottish Episcopal and English Non-Juring bishops united in consecrating new bishops for each other. There was never any official union between the two, but in the end the English Non-Jurors very profoundly influenced the Scottish Episcopal Church.

It is a very interesting and deeply significant fact that the group of bishops and other clergy who were thus forced out of the Established Church as non-jurors were from the High-Church school of their day.

They included within their membership many of the ablest minds and most learned and devoted churchmen of their time. Their exclusion was a very real and definite loss to the Anglican Church in that their departure weakened the more churchly element and left the Church more completely to the domination of the cold rationalism and the Erastian spirit, which chilled the Anglican Communion both at home and in the colonies for nearly a hundred years. Much as we may rejoice in the victory of constitutional government in the Revolution of 1688, we cannot but recognize the spiritual loss that the Church of England suffered by reason of its inability to find a way to retain the Non-Jurors within the organization of the Church.<sup>13</sup>

Driven perhaps by the very necessity of justifying their action in continuing a schismatic organization, a group of leaders of the Non-jurors made a profound study of the liturgy, including the English pre-Reformation uses, the earliest Prayer Books in the English language prepared after the Reformation, and also the liturgies of the Eastern Churches. Out of these they prepared a form for the celebration of the Holy Communion which restored certain elements that had been dropped out of the English liturgy after the revision of the First Prayer Book of King Edward VI, and which almost all liturgical scholars of today throughout the whole Anglican Communion think should never have been given up.<sup>14</sup>

There were four points in the Communion service of the Church of England to which serious objection was made by the Non-Jurors and by many other liturgical students both before and since their day. One of these points was a ritual act; the other three were omissions in the wording of the prayers. The ritual act was the mixing of water with the wine in the chalice when the priest is consecrating the elements. This custom has come down in other historic Churches, but the Church of England has never given rubrical permission for its observance since the first Prayer Book of Edward VI. The three elements lacking in the Prayer of Consecration were:

(1). There was no definite "oblation" or offering to God his "gifts and creatures of bread and wine" which in that prayer we ask Him to receive and give back to us as the Sacrament of a Crucified Christ.

(2). There was no definite "invocation" or calling upon God to "bless and sanctify" with the spiritual presence of God the Son and God the Holy Ghost, the elements which He gives us as a holy Sacrament.

(3). While the service included a "prayer for the whole state of Christ's Church here on earth," it did not include in any direct or intended way

any reference at all to that larger part of the Church which has passed out of this life into the life beyond the veil—that is, to the Church Expectant in Paradise and the Church Triumphant in Heaven. The contention here was that the prayer should be made for the whole Church in order to express our faith in the continuity of life and not merely to pray for the Church on earth.

This “Office for the Celebration of the Holy Communion” was first published by the Non-Jurors in 1718.<sup>15</sup> The Episcopal Church of Scotland had already its own Prayer Book, originally prepared in 1637 by William Laud, archbishop of Canterbury. In this Prayer Book, Archbishop Laud had introduced two of the principal features of the early Christian liturgies which had been dropped from the Anglican Prayer Book, and which were reintroduced into the Communion office of the Non-Jurors.<sup>16</sup> So, in a very real sense, the Laudian Prayer Book of the Scottish Church was a precursor of the Communion office prepared by the Non-Jurors.

In the course of time, due to the scattered and depressed condition of the Episcopal Church of Scotland under the heavy pressure of the dominant Presbyterianism, the Laudian Prayer Book had fallen into almost complete disuse.<sup>17</sup> It must have seemed wiser to the Episcopalians of the Scottish Church to keep in as close touch as possible with the Church of England by using the Communion Office in the Church of England Prayer Book rather than the Office in their own Book, so that no question of difference of liturgical teaching might arise between them. Indeed, the Church of England Prayer Book had come into such general use among the Scottish Episcopalians that, when in 1712 the Earl of Winton desired to use the old Scottish office in his private chapel at Tranent, he had to secure the official permission of the bishop of Edinburgh.<sup>18</sup>

Undoubtedly, the Non-Jurors in England gained great influence among the non-juring Episcopalians of Scotland by the sufferings they endured because of their stand. And, for that reason, the Communion Office of the English Non-Jurors, resembling, as it did strongly, the office in their own early Prayer Book, had a profound effect in persuading the Scottish Episcopalians to give up the use of the English Prayer Book and return to their own liturgy.

It is a matter of the history of our own American Episcopal Church that when Samuel Seabury, being refused consecration in England as the first bishop of Connecticut, was forced in 1784 to appeal to the bishops of the Episcopal Church of Scotland, they entered into a “con-



cordate" with him, by which he agreed to do his utmost to persuade the Episcopal Church of America to introduce into its Prayer Book the Office of Holy Communion of the Scottish Episcopal Church in place of the form in the Prayer Book of the Church of England.<sup>19</sup> There seems to have been in America very little real opposition to the introduction of the Scottish office, familiar though the people were with the form in the English Prayer Book to which they had been accustomed. Perhaps the inadequacy of the English office was widely enough recognized to enable the majority of worshippers to perceive the greater richness of meaning of the Scottish form. At any rate it was adopted and stands today as the high point of the liturgy of the American Episcopal Church.

As a matter of deep historic interest, it may be said that the influence of the Non-Juror's Communion office did not end with the change that was made in the American Prayer Book in 1789 but came to its latest fruition in our present-day Prayer Book as it was revised in 1929. When, in that revision, the "Prayer for the whole state of Christ's Church Militant" was changed both in its title and its content to a "Prayer for the Whole State of Christ's Church," the American Episcopal Church adopted and put into its worship the third and most important point for which the Non-Jurors had contended. The first and second of these points, the Invocation and the Oblation, were secured in 1789. The third point, which was to widen the scope of that profoundest act of our worship by making its prayer include the whole state of the Church in Paradise and in Heaven as well as on earth, was not, and indeed could not be, secured until the Church had passed through the long years of enrichment of worship and deepening sense of the true teaching of the faith that developed and grew through the strife-filled years of the nineteenth century.

In a very real sense, this change of one word in the title of the prayer and the addition of seven words to its petitions constituted the most explosive event that has occurred in nearly four centuries of the history of the Anglican Communion. For by this change the American Episcopal Church, as one of the largest branches of that Communion, has definitely sanctioned and restored to use in its official liturgy prayers for the Christians who have entered into the Church Expectant in Paradise and into the Church Triumphant in Heaven, because they are all included in Christ's Church, and, for the first time since 1552, has authoritatively permitted its people to pray openly in the services of the

Church for their loved ones who have passed over into the fuller life beyond the veil.

The time will undoubtedly come when that privilege will be officially restored to the worship of every branch of the Anglican Communion. So the effort at true enrichment of worship undertaken by a despised group which was cast out of the organization of the Church of its day will come to full fruition in a world-wide recognition of the value of the contribution which its members made through their devotion to an ideal.

### *3. The Great Promotional Societies of the Church*

Great and far-reaching into later centuries as was the liturgical work of the Non-Jurors, the event which did most to revive and strengthen the inner life of the Church of England during the eighteenth century was the organization of the two great missionary and promotional organizations, the Society for the Promotion of Christian Knowledge in 1699 and the Society for the Propagation of the Gospel in 1701. Both of these organizations have continued to function and to carry on their work with increasing influence and power in the missionary world down to the present day—the one as the oldest and farthest-flung missionary society in the Anglican Communion; the other as the great publication society, printing and distributing missionary and other Church literature in a steadily widening stream that reaches to the far outposts of the Church of England.

These two organizations came into being as a century, which through almost all its course had seen religious movements and beliefs at death's grip with each other, was reaching its end in the beginning of an era of toleration. From the first years until the Act of Toleration of 1689 caused a cessation of governmental hostilities, the Anglican, the Puritan, the Presbyterian, the Quaker, the Roman Catholic had been militant in armed camps, alternately suffering repression or exercising authority over others; each seeking to gain advantage, one group only too often cursing another in the name of its God. Truly it had been from a religious and spiritual point of view a hating and hateful century, a dire and dreadful period in which to begin the bearing of spiritual children in the form of colonies overseas. Both Virginia and Massachusetts, as the two oldest and most typical of the American colonies, and the two which for a longer period than any others were forced to undergo the experiences of that century, have borne, and perhaps in the continuing development of life are bearing down to the present

day, the scars resulting from the experiences of their formative years—the one from the spiritual neglect and disregard of its mother-Church, the other from its religious hate.

The reign of William and Mary, with its enforced peace between warring parties, became, therefore, a period of national settling down into more peaceful ways as far as both the Anglican Church and the Protestant dissenting bodies were concerned. The time had not yet come when the Roman Catholic Church could be included in such a feeling because, during that whole reign and for many years thereafter, the political affiliations of the Roman Church with the enemies of England and her government made the Roman Catholic Englishman feared and distrusted as being disloyal to his native land.

But, after all, the future of England in both its spiritual and its national growth was bound up with its national Church and the group of Protestant bodies which sprang from its loins, and not with those who returned to obedience to a foreign ecclesiastical and political hierarchy. For, dissenting bodies though they became, and having left the mother-Church in the midst of the spiritual upheaval and revolution of a century of fearfully unsettled religious thought, they are akin in fundamental beliefs, if not in ecclesiastical organization, to the mother-church of their race. God grant that the time may come when all our differences and misunderstandings may be cleared away in a higher unity of spirit and we may be one again.

. . . . .

A dawn of better spiritual days to come to a spiritually gasping colony appeared in the consecration in 1675 of Henry Compton as bishop of London.<sup>20</sup> He first, of all the bishops of that diocese since the early days of the Virginia Company, showed sufficiently active and continuing interest in the spiritual welfare of the American colonies to prepare and carry into execution a plan for helping them. It is interesting to realize that the one and only real effort to establish a diocese in Virginia and to consecrate its bishop had been undertaken and had died in 1672-73, just two or three years before Compton came to the diocese of London. Although the real reasons of this failure are hidden from us of today, Bishop Compton must have understood them and perceived that it would be impossible under existing conditions to revive that plan with any hope of success. Perhaps out of that very failure was developed, as the next best method, a plan of sending commissaries to the several colonies; and he sent to Virginia and to Maryland the two

greatest and most useful commissaries of all that were appointed during the whole colonial period. James Blair was appointed commissary of the bishop of London in Virginia in 1689 and Thomas Bray commissary in Maryland in 1695.

Commissary Blair was already in Virginia as rector of a parish when his appointment was made, and he found a field in which, during a period of service covering fifty-four years, he established a college and made a record for himself as the greatest ecclesiastical administrator sent by the Mother-Church to the colonies during the whole colonial period. Commissary Bray spent actually a very short period in the colony of Maryland but found a greater and more far-reaching field of service, not for Maryland alone but for the whole group of English colonies and a worldwide field of missions, by establishing three missionary organizations to minister to their several spiritual needs.

Knowing the remote and difficult situation of Anglican clergymen in America, and their inability, as a rule, to secure theological books for study, Commissary Bray undertook a plan for providing parish and lending libraries for the colonies. Out of this grew in 1699 the Society for the Propagation of Christian Knowledge. Realizing that there was no organization in England with authority to select clergymen to go to America, or to raise funds for planting the Church in new fields, he organized in 1701 the Society for the Propagation of the Gospel in Foreign Parts.<sup>21</sup> To this missionary society of the Anglican Church was given the privilege of sending missionaries into America and the West Indies and supporting them in all places where support could not be provided by the field of the minister's labor. Not stopping with its work among the English colonists, the Society went onward into work among the American Indians. Later, and down to the present day, it has seen the whole world as its field and in its labors has carried the Anglican Communion to the ends of the earth.<sup>22</sup>

After his observation of the work of that Society for twenty-five years, Commissary Bray perceived still another field of missionary endeavor in a field which could not be adequately covered by either of the two Societies he had founded. This field was that of teaching and endeavoring to Christianize the Negro slaves in the English colonies. Whether, in an Anglican colony like Virginia, a Congregationalist colony like Connecticut, or elsewhere, the religious character of the master of a slave was the determining factor whether or not that slave should receive adequate instruction in the Christian faith or be left to his heathen superstition. There was need of a society which would undertake to



arouse interest in the moral and spiritual welfare of the Negro slaves, so he organized the third and last of his missionary activities, commonly called "Dr. Bray's Associates."<sup>23</sup>

It would be impossible to evaluate adequately in a brief space the work of these three societies or to give any real estimate of their value. Suffice it to say, as far as the American colonies are concerned, that these Societies carried on throughout the remainder of the colonial period a work for which the American Episcopal Church can never be sufficiently grateful. The S.P.G., as the leader in the active work of establishing and supporting missions, was the founding mother of the Anglican Church in New England and the Middle Colonies, in Carolina and in Georgia. The Society did not send its missionaries into either Virginia or Maryland because, in both of these colonies, the Church was established by law and well supported by taxation, and there was no need that the Society should undertake work at all in either field. From another point of view, however, and because the Church was so much better organized and so much stronger in these two colonies, and especially in Virginia, the Venerable Society was forced to make a large, even though quite involuntary, contribution of clergymen. Over and over again it happened that, after a missionary of the Society had served for five or ten years in a missionary field, he would be attracted to a parish in Virginia or Maryland. In this way, as an illustration, Parson David Mossom, after serving for ten years as minister of St. Michael's Church at Marblehead, Massachusetts, came to St. Peter's Parish in New Kent County, Virginia, where he served for over thirty years and wrote his name upon the pages of history when, as rector of that parish, he performed the marriage service for young Colonel George Washington and the "Widow" Custis.<sup>24</sup>

And yet, although the S.P.G. never sent a missionary to Virginia, the Society was a great and far-reaching value to the Church in that colony. There are two obvious reasons for this. One was the general and sustained interest in Missions which was aroused and extended throughout England by that Society in its efforts to secure funds for its work. Church people must inevitably have come to know more about the spiritual needs of the colonies and to think more clearly of England's responsibility to meet that need. Virginia and Maryland, although not considered missionary territory, were still a part of England's overseas plantations, and many a minister who offered to come to these colonies had his attention drawn to them through the work of the S.P.G. in the other colonies.

A second reason was that now, for the first time since the days of the Virginia Company, there was a group in England interested in selecting ministers to go to America and in establishing standards of fitness and prospective usefulness in that field by which the applicants were to be judged. Long before the establishment of the S.P.G., it had been the duty of the bishop of London to select the Anglican ministers who might be needed to serve parishes in the colony of Pennsylvania;<sup>25</sup> and the king had also assigned to him the duty of approving and recommending to the governor of Virginia such ministers as were to go to that colony.<sup>26</sup> It would seem beyond the realm of probability to think that, after the establishment by the S.P.G. of standards for the selection of ministers to serve in America, the bishop of London should fail to be governed by these standards, or to permit a lower standard in his licensing of ministers to go to Maryland or Virginia than he did for those he licensed to other colonies.

Great, however, as was the value and usefulness of these two societies to the Church in the colonies, their value and usefulness would seem to have been even greater in England itself and in England's Church. In the stirring of new life within the Church which resulted in their establishment and in keeping them in continued existence may be seen, for the first time since the Church of England reassumed its own independent autonomy and self-government in the reign of Edward Sixth, the conscience of the Church turned outward in ministry to others instead of inward to the consideration of its own position in the national life. Excepting only the ill-fated effort of the Church leaders in the Virginia Company looking toward the conversion of the Indians, the history of the Church, for a hundred and fifty years, had been the story of its effort to solve its own internal problems and protect itself from its own internal dangers. Fighting Rome on one side and Puritanism on the other, "harrying" and being harried, as the fortunes of strife made possible; there seemed in all that period little room for thought of anything else. From the ecclesiastico-political point of view, archbishop Laud's only thought in proposing to send a bishop to America was to place him in New England with soldiers at his back to force the Puritans to return to the Church. From the "business-like" standpoint of a layman in authority, of disregard of any motive other than a self-centered one, the reply of Lord Seymour, the treasurer of England, to Commissary Blair may be considered typical. The Commissary was asking for funds with which to establish his college in Williamsburg

and urged the spiritual needs of the colonists who had souls to save. "Damn their souls," said my lord, "tell them to raise tobacco."

The establishment of these two missionary societies was the appeal of the soul of the Anglican Church to this self-centered spirit of its people, whether expressed in the aims of Archbishop Laud or in the contemptuous opinion of the "business-man," Lord Seymour. They wrought the new motive of Missions into the life of the Church and started it upon a career of extension and development, both within and without, that has carried it into every part of the world and profoundly deepened and enriched its life.

It is noteworthy, also, that this missionary movement began shortly after the withdrawal from the Church of the staunchest high-church group, the Non-Jurors. Humanly speaking, their withdrawal left the Anglican Church in the undisputed control of the more Erastian-minded group, and Erastianism and doctrinal latitudinarianism, and the recurrent deism of the eighteenth century were the sore internal enemies of the Church for a hundred years. Would it be untrue to the genius of history to say that the seed out of which grew the revival of the true life of the Church of England was the beginnings of its missionary movement, and that Missions, both to colonials and to the outside world, formed the new center around which the spiritual devotion of its people could and did gather, and out of which it arose strengthened and revived to new and glowing life? "There is that scattereth and yet increaseth."

#### CHAPTER XVI • NOTES

1. G. C. Perry. *History of the Church of England*, p. 525, and references there cited.
2. *Ibid.*, pp. 528, *et seq.*
3. For a fuller account of King James' reign written from the point of view of the Church, see Perry, *Op. cit.*, Chapters XXXV and XXXVI.
4. *Ibid.*, p. 540.
5. *Ibid.*, p. 541.
6. Rev. Walter F. Adeney, D.D., in his article on "Toleration," in Hastings' *Encyclopedia of Religion and Ethics*, Vol. XII, p. 364. For the Toleration Act itself, "An Act for Exempting their Majesties Protestant Subjects dissenting from the Church of England from the penalties of Certain Laws," see Act XVIII of 1st William and Mary. Raithby *Statutes at Large of England and Great Britain*, Vol. III, pp. 262-65.

7. The Act of Uniformity required the use of the Prayer Book of the Church of England. Adopted 1662. Perry, *Op. cit.*, 503-04. The Conventicle Act forbade any person above sixteen years of age to be present at any religious service conducted by dissenters where more than five persons beside the members of the household were present. Adopted 1664, amended 1670. Perry, 507. The Five Mile Act enacted a solemn oath to be taken by every dissenting minister in which he was required to express abhorrence of rebellion against the king's person or government and to swear that he would not at any time attempt any alteration of government either in Church or State. A minister who refused to take this oath was forbidden to come within five miles of any city, town or borough, except in passing through, or to come into any parish in which he had been a minister. Adopted in 1666. Perry, pp. 507-08.
8. For a clearer statement of this point of view, see Perry, *Op. cit.*, pp. 541, *et seq.*
9. The bishops who finally refused to take the oath of allegiance to William and Mary were Archbishop Sancroft, of Canterbury; Bishop Ken, of Bath and Wells; Turner, of Ely; Frampton, of Gloucester; Lloyd, of Norwich; White, of Peterborough; Thomas, of Worcester; Lake, of Chichester and Cartwright, of Chester. See Perry, *Op. cit.*, p. 551, and footnote.
10. Perry, *Op. cit.*, p. 551-552. Perry states that six bishops including the archbishop were actually deprived of their dioceses; and about four hundred benefited clergy also were deprived of their livings.
11. The interesting suggestion has been made that the reason why the Scottish Highlanders did not go out in rebellion earlier than 1714, twenty-six years after King James Second had been forced from the throne, was due to the Gaelic rule of Tanistry, which prevailed among the Highland clans instead of the English rule of Primogeniture. Under the law of tanistry, inheritance of chieftainship was not given necessarily to the eldest son, as would have been the rule under the law of primogeniture, but any one of the sons of the dead cheiftain might be chosen by the clan to succeed his father. Tanistry offered a greater chance of virile succession and some privilege of choice by the clan.  
It was, therefore, quite in conformity with the Gaelic idea of tanistry when Parliament passed over the son of King James to elevate to the throne his two daughters successively as Queen Mary and Queen Anne. But when that succession failed, and Parliament turned away from the family of James to place a stolid German elector upon the throne, the Highlanders went out in rebellion within a year, and again, to the utter breaking of their power, in 1745.
12. There is confusion in the minds of many people concerning the Episcopal Church of Scotland. It is a matter of general knowledge that both Charles I and Charles II attempted to force bishops of Anglican consecration upon the Church of Scotland; and, during the reign of both of these monarchs, Anglican bishops were consecrated under the names of the old pre-Reformation dioceses of Scotland.

Notwithstanding, however, the fact of having bishops and a Prayer Book, the Church of Scotland was distinctly Presbyterian in all its lower forms and Calvinistic in doctrine. There was, during the whole period, no Episcopal Church of Scotland but rather the Church of Scotland was divided into two schools of thought and action—the one, and by far the larger group, adhering to Presbyterian forms, and the other "leaning towards Episcopacy." It may be inferred that congregations decided for themselves whether they would use the Prayer Book or have a non-liturgical service; and ministers might be ordained by a presbytery or by a bishop using the Anglican form. This question of the form



of his ordination became a vital matter to Commissary James Blair of Virginia in 1719.

When King James II fled from England and William and Mary were elected king and queen of England, the Parliament of Scotland, in which the Presbyterian element was strongly predominant, exacted an agreement from William of Orange that, if he and his wife should be elected king and queen of Scotland, he would stop the sending of Anglican bishops to Scotland and establish and support the Presbyterian forms.

By this agreement, the Church of Scotland became entirely Presbyterian, and those who preferred episcopacy were forced out of the Established Church of Scotland into the status of a dissenting body. So they became the Episcopal Church of Scotland.

Doubtless, some of their ministers and laymen refused to take the oaths of allegiance to William and Mary. But at that time the question was not of vital importance to them because, as dissenters, their ministers no longer held civil office. It did, however, become of vital import, after the death of Queen Anne and the election of Elector George to the throne of the united kingdom of England and Scotland. That event threw the Episcopal Church of Scotland almost as one man into the ranks of the Jacobites.

See a further study of the Episcopal Church of Scotland in the *Encyclopedia Britannica* or the published histories of that Church.

The repressive laws against the Scottish Episcopalians were still on the statute-book, although perhaps no longer strictly enforced, when Samuel Seabury startled the prime minister of England out of his complacency by going up to Aberdeen and receiving his consecration as bishop of Connecticut from the bishops of the Scottish Episcopal Church, after the refusal of that gentleman to permit his consecration by the bishops of the Church of England.

13. See Perry, *Op. cit.*, p. 552, for an estimate of the character of these men and an appraisal of the loss to the Church because of their being forced out. For a fuller account of the whole movement, see Thomas Lathbury, *A History of the Non-Jurors*, and Henry Broxap, *The Later Non-Jurors*. Broxap's evaluation of the work of the Non-Jurors, pp. 318, *et seq.*, is of much interest.
14. See Lathbury, *History of the Non-Jurors*, pp. 277-80.
15. *Ibid.*, p. 286.
16. These two points were the "Oblation" and the "Invocation." In the face of the strong Calvinism of Scotland, even Laud would not have dared to reintroduce the Prayer for the Whole State of the Church because of its inclusion of prayer for the departed Christians in Paradise. The burden of the Roman Catholic misuse of the doctrine of purgatory and of prayers for the dead was still too heavy upon the members of the Protestant faith to permit even an approach toward that practice.
17. Lathbury, *Op. cit.*, pp. 464, *et seq.*
18. *Ibid.*, p. 466. The Earl of Winton published a special edition which was an exact reprint of Laud's Prayer Book of 1637 for his private chapel. So exact indeed was the reprint that he retained the prayers for King Charles First and his royal family of the year 1637, instead of changing them as would normally have been done to mention Queen Anne and the royal family of 1712.
19. See *Historical Magazine of the Protestant Episcopal Church*, Vol. III, p. 155.

20. For an account of Bishop Compton and his work for the Church in America, see Arthur L. Cross, *The Anglican Episcopate and the American Colonies*, Chapter II, beginning p. 25.
21. For a study of Commissary Bray and his work in establishing these Societies, see Edgar Legare Pennington, *The Reverend Thomas Bray*, as Publication No. VII of the Church Historical Society. See Cross, *Op. cit.*, p. 35, for the aid given by Bishop Compton in their formation.
22. A number of histories and "Digests" of the work of S.P.G. have been published and can be found in most of the larger libraries of this country. Among others see the article "The Society for the Propagation of the Gospel" and the "Church in the American Colonies" by Sir Edward Midwinter in *Historical Magazine of the Protestant Episcopal Church*, Vol. IV, pp. 66 *et seq.*
23. See for sketchy accounts of work of Dr. Bray's Associates, Pennington, *The Reverend Thomas Bray*, pp. 43-46; *Historical Magazine of the Protestant Episcopal Church*, Vol. I, pp. 148-52, and VIII, 392-401.
24. Goodwin, *The Colonial Church in Virginia*, p. 295.
25. See the Grant made by the king to William Penn in 1681. See also Charles P. Keith, *Henry Compton, Bishop of London*, Publication No. III of the Church Historical Society, pp. 14-15.
26. A. L. Cross, *Op. cit.*, pp. 25, 26.

# The Church in Virginia Under the Later Stuarts

THE period of the later Stuarts was one of general and widespread improvement of religious conditions in Virginia and of better organization of the Church. There were two main reasons for this. The first was, that ten years or more having elapsed since the decade in which the Church at home had been exerting every effort to secure a new supply of clergy of its own training and ordination and to restore the normal flow of young men into the ministry, it was now beginning to be possible, in addition to securing the number requisite to fill its own parishes, to find others also to come to Virginia. The second was that, after his elevation to the see of London in 1675, Bishop Henry Compton showed a genuine and understanding interest in the welfare of the Church in the colonies, and, for the first time in the history of the Church of England, devised and put into effect workable plans whereby the Church might exercise some care for the spiritual welfare of the colonists and some oversight over their clergy.

Both of these factors were of lasting importance. Remembering the statement made by Morgan Godwyn in 1665 or 1666 that not more than ten of the fifty parishes in Virginia at that time had ordained ministers, the difference in conditions is strikingly shown by the fact that in 1680 an officially prepared "List of Parishes in Virginia and the Ministers in Them" showed that there were forty-eight parishes in the colony and thirty-four clergymen, all listed by name, and showing the parish or parishes held by each one. One county only was reported as having "Readers only" and no ordained minister; but all the other parishes except those in that county are reported as having either for whole or part time the services of ordained ministers.<sup>1</sup>

This list of 1680 is the oldest that has survived the lapse of time. Other lists, fortunately, have been discovered in recent years, so that now students have the opportunity of examining official reports prepared by the governor and sent to the board of trade in London. A

total of eight of these lists, running from 1680 to 1774, are now available.<sup>2</sup>

This List of 1680, dated June 3 of that year, must unquestionably have been either prepared by or submitted to the Council of State before being sent to England. The Council adopted the following resolution on July 8, 1680:

"It appearing to this Board by a list of the number of Parishes and ministers in this country, that there are some Parishes unprovided with ministers, the Council do therefore humbly request his Excellency that he would be pleased to signify the same to the Lord Bishop of London, and take effectual care that they may be supplied with able good and orthodox ministers, viz.: four to be sent in the next shipping to supply past vacancies and two every year after successively, which wee conceive will *communis annis* be sufficient."<sup>3</sup>

One may properly infer from this resolution the opinion of the Council that, while some of the parishes were so small that they must of necessity be joined to other parishes, the colony actually needed four ministers only to complete the number required to fill the parishes. This is quite obviously an entirely different picture from the statement usually made as to the lack of ministers and shows how nearly back to a normal condition the Church had come in Virginia in the fifteen years since 1665. The Council's estimate, however, of two additional clergymen to be sent every year by the bishop of London was inadequate and did not take into account the average number of changes occurring each year through deaths and removals of clergy. It is also noteworthy that, even at this early date, Bishop Compton so impressed the Council with his interest in the welfare of the Church in Virginia that they felt that they could send a message to him describing the amount of help the Church needed.

Another event that showed clearly the strengthening organization of the Church was a decision rendered in a case that was appealed to the General Court. Certain churchwardens had been reported to the governor by appeal of the parishioners upon the charge of disobeying the law and exceeding their authority, and the governor issued a summons to the churchwardens to appear and answer the charges made. The defendants claimed, before the General Court, that the summons issued by the governor alone without due certification of the proper officer was illegal—

"to which the Complainant replied that the process was lawful, the Governor's citation being sufficient in parochial and Church affairs, he having



the same power and authority in this Colony in ecclesiastical affairs as any Bishop in England hath in his Diocese; and this matter being seriously considered and maturely weighed, the Council are of opinion that the process was good, and the Governor only head of the Church, and therefore sole judge in all ecclesiastical parochial affairs, and that the Council hath nothing to do with it: whereupon the Governor desired the assistance of the Council.”<sup>4</sup>

This was a very definitely clear and emphatic statement of the highest judicial authority in Virginia as to the status of the governor of the colony in his relationship to the Church. It declared that he was the temporal head of the Church of Virginia and as such had the right to investigate infraction of canon laws adopted by the colony and other laws touching the property and civil duties of parish officials.

It was necessary that some decision should be made and published in order to clarify the anomalous situation of the Church; and there is no record of this decision being reversed. Nor was there either then or later any authority placed in the hands of the bishop of London over the clergy in America that affected the position of the governor of Virginia as the temporal head of the Church in the colony. While all enactments concerning the formation of new parishes had to be adopted first by the House of Burgesses as representatives of the people, no such enactment could become effective until it had received the signature of the governor. The Council of State, sitting as the upper house when the General Assembly was in session, sitting by itself at stated intervals as the General Court of the colony, and sitting again at other times in an executive capacity and as advisers to the governor, was the body to which complaints came most frequently from parishes or vestries or from clergymen or parishioners. As the governor was always the presiding officer of the Council, its decisions upon ecclesiastical matters would normally be guided by his judgment, and he, as in the case quoted, would ask their assistance in one or another capacity when needed.

Other duties belonging to a bishop in England as head of his diocese were assigned by the king to the governor of Virginia. These included the authority to induct ministers as rectors of parishes when presented by their respective vestries for such induction, the right to probate wills and appoint notaries, and to issue licenses for marriages in cases where the contracting parties preferred that method rather than the slower and cheaper method of announcing the banns. It was the governor, as the temporal head of the Church in Virginia, whom the bishop of

London was asked to recognize when the plan was adopted whereby the bishop selected and approved clergymen and licensed them to serve in Virginia. In every case the bishop sent them to the governor for him to receive and commend to the vestries of vacant parishes. Even after the appointment of commissaries of the bishop of London, this rule continued in force, and the bishop, down to the time of the Revolution, gave to clergymen going to serve in Virginia licenses addressed to the governor and not to the commissary.

As the result of a strong report made by the bishop of London to the Lords of Trade and the Plantations, in 1677,<sup>5</sup> in which he stressed the unhappy condition of the Church in America because of absence of episcopal control and authority, an order was given which, for the first time, gave the bishop of London real authority and power to help improve conditions in the colonies. This authority was small in a way, and yet it struck at the very root of the Church's difficulties—the problem of securing acceptable ministers.

It was generally the custom of the privy council as representing the king to give to the governor of each royal province a set of instructions for the conduct of his administration. Beginning about 1680, and under the strong urging of Bishop Compton, an instruction was given to each governor to see "that God be duly served, the Book of Common Prayer, as is now established, read each Sunday and Holy Day, and the Blessed Sacrament administered according to the rules of the Church of England . . . And our will and pleasure is that no minister be preferred by you to any ecclesiastical Benefice in our colony without a certificate from the Lord Bishop of London, of his being conformable to the Doctrines of the Church of England."<sup>6</sup> This instruction was given to Thomas, Lord Culpeper, when he first came to Virginia as governor, about 1679/80.

Within a year or two Bishop Compton secured from Charles Second the establishment of the custom, which continued throughout the remainder of the colonial period, of making a grant of £20 to every minister or schoolmaster going to the English colonies, as a gift to help secure equipment and pay the expenses of the voyage. Coupled with this was the requirement that no schoolmaster and no ordained minister could serve in any of the colonies without the license of the bishop of London.<sup>7</sup>

At the beginning of the reign of King James Second, in 1685, the king's instruction to the governors of the royal colonies both in the West Indies and on the continent of America went a step further and

declared that the ecclesiastical jurisdiction of the bishop of London extended to the colonies and should be observed "as far as conveniently may be."<sup>8</sup> His instructions to Lord Howard of Effingham, the governor of Virginia at that time, include the following:<sup>9</sup>

"17th. Our will and pleasure is that no minister be preferred by you to any ecclesiastical benefice in that our colony without a certificate from the Right Reverend the Lord Bishop of London of his being conformable to the doctrine and discipline of the Church of England, and of a good life and conversation; and if any person already preferred to a benefice shall appear to you to give scandal either by his doctrine or manners, you are to use the best means for the removal of him and to supply the vacancy in such manner as we have directed. And also our pleasure is that in all directions of Church affairs the ministers be admitted into the respective Vestries.

"And to the end the ecclesiastical jurisdiction of the said Bishop of London may take place in that our colony as far as conveniently may we do think fit that you give all countenance and encouragement in the exercise of the same, except only the collating to Benefices, granting licenses for marriages and probate of wills, which we have reserved to you our Governor and Commander in Chief for the time being.

"18th. And we do further direct that no Schoolmaster be henceforward permitted to come from England and to keep school within our Colony of Virginia without the license of the said Bishop. And that no other person now there, or that shall come from other parts, be admitted to keep school without the license first had."

A careful analysis of this instruction shows very clearly that the "ecclesiastical jurisdiction of the bishop of London" was exceedingly indefinite. In addition to the duties specifically placed in the hands of the governor, the administration of discipline to erring clergymen was pointedly placed in the hands of the governor "to use the best means for the removal of him" and not the bishop. Indeed, the bishop of London neither had nor could exercise any ecclesiastical authority in America beyond the right to select the clergymen and schoolmasters whom he would license to go over to the colony and to appoint "commissaries" who had no more real authority than the bishop who appointed them. It is true that the Rev. James Blair, as soon as he received his commission as commissary of the bishop of London, attempted to organize Virginia into an "ecclesiastical jurisdiction" and prepared to hold courts for the trial of laymen as well as clergymen; but this attempt was immediately stopped by the civil authorities of the colony. He did later hold a number of "visitations" or investigations



of charges made against clergymen and dismissed several from their parishes upon conviction of scandalous conduct. But his real power to do this was based more upon the desire of the people to be rid of an unworthy clergyman, and the authority of the governor to "use the best means," than upon any real authority given him by the bishop of London.<sup>10</sup> In his case it was the man within the commissarial robes who spoke and exercised authority and not the robes of office themselves. This is shown clearly by the lack of influence of the later commissaries.

Writers upon the history of the Episcopal Church in America have frequently spoken in very loose terms of the bishop of London as "diocesan" of the Church in the American colonies, whereas the very definition of the word proves the total inaccuracy of the statement. A diocesan means the head of a diocese, and there never was a diocese of the Anglican Church in America until the year 1783, nor was any part of America ever part of any diocese in England.

Edmund Gibson, bishop of London from 1723 to 1748, recognized so very clearly the tenuousness of the authority exercised in the colonies by his predecessors that he was unwilling to act upon it and presented a petition to the king in council, asking that the king give him under the broad seal of England a commission to exercise authority in the Church in the colonies, and requested that the commission should be made to "extend only to the clergy and to such other persons and matters as concerned the repair of churches and the decent performance of divine service therein."<sup>11</sup> When this petition was referred to the attorney general and solicitor general, they reported "that the authority by which the Bishops of London had acted in the Plantations" was insufficient, and that the ecclesiastical jurisdiction in America "did belong neither to the Bishop of London nor to any Bishop in England; but was solely in the Crown by virtue of Supremacy, and that the most proper way of granting to any person the exercise of such jurisdiction was by Patent under the Broad Seal."<sup>12</sup>

Acting in conformity with this report, a patent was issued to Bishop Gibson as he requested to exercise ecclesiastical authority over the clergy and matters concerning the houses of worship and the conduct of divine service. Beyond that he had no authority over the Church in Virginia, no right of administration, no power to hold an ecclesiastical court, no authority as regards the conduct of the laity of the Church, no right to send a suffragan bishop, and such authority as he received by this patent, being made to him personally, expired at his



death, and his successor, Bishop Sherlock, recognizing the futility of the plan, did not ask for a similar patent for himself.<sup>13</sup>

In spite, however, of his lack of real authority, the episcopate of Henry Compton, as bishop of London from 1675 to 1713, was without question the greatest blessing that came to the Church in the colonies during the colonial period. He found the Church in Virginia, Maryland and elsewhere engaged in a struggle against conditions beyond their power to resist or overcome. Before his death he saw it revived and strengthened and invigorated, with plans put into effect for its care and growth and societies organized to carry it onward into new fields. The Church in America owes more to Bishop Compton than can ever be repaid.<sup>14</sup>

Having secured such authority as he could concerning the selection of clergymen and school teachers, and such general authority of ecclesiastical jurisdiction in the colonies as the king and privy council could give him, Bishop Compton undertook to devise some plan or method of oversight over the clergy already living in the colonies. Being estopped from the establishment of rural deaneries and archdeaconries, and the sending of an archdeacon or suffragan bishop, as he would have done if Virginia or America could in any sense have been considered a part of his diocese, he fell back upon the plan of sending a commissary as a sort of representative of the bishop, to perform such duties as the bishop should assign him.

There does not seem to be in existence, as far as this writer knows, any declaration or set of instructions given by the bishop of London to his commissary in Virginia describing or outlining the full extent of the commissary's duties.<sup>15</sup> As a special representative of the bishop, he may have considered his instructions too personal to be published. Nor do there seem to be in existence any file of regular reports made by the commissaries to their bishop. There are occasional letters upon matters of general interest, but no continuous set of reports, such as the importance of their work should have required. As far as the Virginia records go, it seems quite clear that the duties of the commissary as such were confined to the oversight of the lives and character of the clergy, the holding of investigations when clerical misconduct was charged, the holding of conventions of the clergy from time to time when some subject of importance demanded a meeting; and, in general, to look out for the interests of the clergy as best they could.<sup>16</sup> It is a matter of note that questions at issue between a minister and his vestry or congregation did not, as far as existing record shows, go to

the commissary for adjudication but to the governor and council of state.

The bishop of London appointed the Reverend James Blair, the rector of Henrico Parish in Virginia, as his commissary to the colony of Virginia on December 15, 1689,<sup>17</sup> and he is usually considered the first as he was undoubtedly the greatest and ablest of all the commissaries sent to America. There is, however, a very obscure record of a minister earlier than Blair who in some sort was given by the bishop of London some form of authority in Virginia. The evidence is so indistinct that one does not know definitely whether this clergyman's name was Temple or Semple, or when he came or where he served, or what he did in his capacity as "pro-commissary." Among some "Questions Proposed to the Council and Answers Requested," which appear in the minutes of the Council of April 21, 1692, the question was asked "Whether what Mr. Blair did as Commissary was not done by others empowered by the Rt. Rev. the Bishop of London?" To which the answer was made: "Mr. Temple, by Virtue of a power (as he said) called the Clergy to meet as Mr. Commissary Blair did."<sup>18</sup> Whatever may have been the duties performed by Mr. Temple, they seemed to convince the bishop of London of the value of the service to be performed by such an officer, and the appointment of Mr. Blair followed in due time.

James Blair served as commissary throughout a period of fifty-four years, until his death in 1743. His work and character will require a chapter to itself. For the moment, attention must be centered upon the importance to the Church in Virginia of having a commissary of the bishop of London resident in the colony—that at long last there was a definite recognition on the part of the Church at home of a sense of responsibility for the welfare of the Church in the colonies. It must indeed have been a thrilling thought to everyone in Virginia who loved the Church to realize that at last somebody cared.

. . . . .

Cheered as unquestionably the colonial authorities must have been in their care for the welfare of religion when the news came of the appointment of a resident commissary, still another strengthening of the organization of the Church came in the same year, 1690, by the arrival of Colonel Francis Nicholson as lieutenant-governor to represent their absentee governor, Lord Howard of Effingham. Among all the governors who came to the American colonies during the colonial

period, Colonel Nicholson has always been looked upon, and rightly, as the one who was most deeply and genuinely devoted to the interests of the Established Church.<sup>19</sup> His administration as lieutenant-governor continued for two years until the appointment of Sir Edmund Andros as governor in 1692 to succeed Lord Howard, but, during that two years, his devotion to the interests of the Church and the service he rendered in helping to secure the charter of the college so commended him to the commissary and the people generally that there was widespread desire for his return as full governor upon the removal of Sir Edmund Andros in 1698.

Immediately upon his arrival in 1690, Governor Nicholson turned the attention of the Council of State to the investigation of conditions in the parishes and the correction of abuses and injustices as between vestries and clergymen which inevitably had arisen under the anomalous conditions of the Church's life during the preceding decades. The first step was a proclamation issued by the governor on December 2, 1690, directing, along with the investigation and report as to the enforcement of various laws, "that the justices of the peace do take care and have in charge to inquire into and present all parishes (that are without ministers) that do not provide readers, and that have not legal vestries and churchwardens, and that keep not their churches and churchyards in repair; all vestries that do not take care to put the acts for processioning in due execution, and all ministers, readers and clerks that keep not a register of all births, burials and marriages, and all ministers that shall presume to marry any persons that are not legally published in church, without license."<sup>20</sup> The reports demanded by the governor from the justices of the peace of the several counties must have been made with great promptness for within six months the council had evidence in hand "that some vestries in the Colony entertain ministers in their parishes who do not conform to the doctrines and rules of the Church of England; and some parishes have not vestries according to the law, nor readers where ministers are wanting." Under date of May 15, 1691, the council issued an order for the correction of these abuses.<sup>21</sup>

That the attitude of the governor and council had great effect in correcting the abuses found to exist cannot be doubted. When Lieutenant Governor Nicholson turned the government over to his successor, Governor Sir Edmund Andros, on September 20, 1692, he was able to report "that he had found the government in peace and quietness, and so leaves it, that since he came to the government he hath



made it his chief care and endeavour . . . to promote first the service of God Almighty by taking care of the clergy and having laws against vice put into due execution . . . finds the inhabitants are for Monarchy and the Religion established in the Church of England, and good subjects to their Majesties King William and Queen Mary."<sup>22</sup>

During the two decades from 1690 to 1710, as one reads the executive journals of the Council of Colonial Virginia, one cannot but be impressed with the care shown by the Council in hearing appeals from clergymen and from parishes protesting against unfair treatment. The appeals are of many kinds. The two parishes of St. Peter and St. John on either side of the Pamunkey River, fell into a great altercation because, although St. John had a French Huguenot minister, Mr. James Boisseau, as incumbent, both St. John and St. Peter wanted an Englishman, Mr. Jacob Ware. Although the reason for objection to Mr. Boisseau is not stated, it was probably, as in other cases of Huguenot ministers, a difficulty in speaking acceptable English. The governor settled the case by inducting Jacob Ware into the rectorship of St. Peter's Parish and ordering St. John's to retain James Boisseau.<sup>23</sup> Then, within a few years, St. John's secured a Scot as minister instead of a Frenchman and seemed to be as unhappy about it as they were before. In this case, the rector, the Reverend John Munro, junior, found the doors of the church shut and nailed against him when he went to preach upon a certain Sunday. The matter being reported to the Council, Governor Andros called the vestry before him and made peace between them and their minister.<sup>24</sup> The vestry of Farnham Parish complained that the county court had assumed the authority to turn them out of office in a body.<sup>25</sup> Rev. James Wallace, the minister of Elizabeth City Parish, was beaten in open court by an irate vestryman as a protest against the county tax assessment,<sup>26</sup> and Rev. Cope D'Oyley had the doors of his church in Denbigh Parish closed against him by a faction in his vestry.<sup>27</sup> In all these cases, investigation was made by the Council and punishment was meted out for injustices shown to exist. In one case, where complaint was made that a vestry had discharged its minister, investigation showed that the minister had been guilty of gross misconduct and the Council ordered the minister to be presented and prosecuted in the civil courts.<sup>28</sup>

One of the minor difficulties of the parishes in Virginia arose from the very generosity of the Church in welcoming and giving parishes to Huguenot clergymen who had fled from France after the revocation of the Edict of Nantes in 1685. A large number of the Huguenots had



been brought to Virginia in 1700 and given land for settlement in a community of their own in the western part of Henrico County,<sup>29</sup> and others had gone to Stafford County and elsewhere; but, in addition, a goodly number of the Huguenot ministers came to Virginia and were given parishes in other sections of the colony. Some of them had lived in England before coming to Virginia and so could speak more or less tolerable English, but others spoke with such foreign accent that they were sent to the more remote parishes; and, upon more than one occasion, the parishioners desired their removal because of the difficulty of understanding their speech.<sup>30</sup> There was a similar objection frequently to clergymen of Scottish birth—for one reason, because the burr of the Scottish Highlander's speech was as unpleasant to English ears as the roll of the Frenchman's "r". Perhaps, however, the objection to Scottish clergymen which was voiced so strongly by Colonel William Byrd and others was based upon dislike of Commissary Blair more than anything else, and, as the irascibility of temper of the commissary grew, the dislike increased of all clergymen of Scottish blood.<sup>31</sup>

Yet the Huguenot and other foreign-born clergymen, and most of the clergymen of Scottish birth, were men of such sterling integrity of character that the value of their service to the country far outweighed the hardship of their pronunciation. The Huguenot clergymen Latane, the Maurys and Maryes, the Fontaines, Moncure, Boisseau and Burtell, and the Spaniards, Gavin and Garzia, have written their names large upon the history of the Church in Virginia.

Profoundly interesting are the stories that have come down from this period of transition, some in lighter vein and some of more serious import; some showing reprehensible characteristics in individuals among the clergy—but all of them giving local color to the picture of a generation striving to come to normal after the confused generation of bitter resentment and rebellion. One Samuel Gray, the minister of Christ Church Parish in Middlesex, in collaboration with his friend, John Gourdon, the minister of Wilmington Parish in James City, wrote and published with manifest enjoyment a long and elaborate lampoon in which they expressed their opinions very freely of all in authority both in England and in Virginia. The matter, however, assumed a more serious aspect when both clergymen stood before the bar of the Council of State and heard the charge made against them, that they "did utter and publish a certain scandalous, false, malicious and seditious libel, wherein were contained several wicked and malicious reflections and aspersions upon his most gracious Majesty, the late Queen

Mary, of blessed memory, his Majesty's government here, the Royal College of William and Mary, and upon several other eminent persons in this his Majesty's colony and dominion.<sup>32</sup>

In this case, the governor and council had sufficient sense of humor to read the two culprits a severe lecture and then forgive them and see that all copies of the lampoon were destroyed. This after all was a much better way than that of the justices of the peace in King George County in 1722, who, when the sheriff of the county had said some quite unprintable things about them, were so angry that they called witnesses and entered into their court records a full and complete statement of all the epithets and colorful phrases used by the sheriff. Like the good Constable Dogberry in "Much Ado About Nothing," they exclaimed, "O that he were here to write me down an ass," and to the joy of later generations they found their scribe.

Among the more colorful of the clergy of that period was the Reverend Edward Portlock, who, after nearly ten years of ministry in East Jersey and Philadelphia, where he had gained for himself the reputation of a man of great learning,<sup>33</sup> came to Virginia and became rector of Stratton-Major Parish in King and Queen County. But he seems to have left behind him in Pennsylvania the less respectable reputation that he was affiliated with Bradenham the pirate and served as trustee for him in receiving and storing his captured gold. In 1701 a formal charge to this effect was made to the Council of State of Virginia by Sir William Penn, the governor of Pennsylvania.<sup>34</sup> No record appears in the Virginia Journal of any further evidence supporting this charge, but the matter seems to have been remembered in Philadelphia. For within the past generation an expedition came from that city to King and Queen County fully armed with spades and shovels and searched carefully and to considerable depth a certain field in Stratton-Major Parish looking for pirate gold. Beyond uncovering the brick-work of a colonial foundation, the expedition failed.<sup>35</sup> Apart from the question of piracy, however, Mr. Portlock won imperishable fame in Virginia by preaching upon a certain occasion "a sermon against women, wherein he laid out his wife, to the best advantage, for hanging his cat, called Alice, whom he more dearly loved."<sup>36</sup>

Of all the clergy of the period, however, the Rev. John Waugh, of Stafford County, had perhaps the most hectic and varied experiences, arising from the expression of his own individualistic self-will. A man of education and ability above the average, a native of the north of

England, he came to the extreme frontier parish of Potomac in the newly organized county of Stafford about the year 1667, and, during a pastorate of thirty-three years, he impressed himself in every way upon his community and won a place for himself as one of its leading citizens. There has never appeared any charge against him of moral delinquency or neglect of his pastoral duties, but if ever a man went out of his way to hunt trouble Parson Waugh was that man. He first came into notice by making his Potomac River parish a Gretna Green for runaway couples from Maryland for whom he performed the ceremony of marriage without benefit of banns or license. But, when he unwisely performed that office for the runaway daughter of a wealthy and prominent citizen of his neighboring province, complaint was made by the aggrieved father and the parson was arrested, suspended from the parish for six months and fined ten thousand pounds of tobacco—considerably more than half a year's salary. A born politician, he took the lead in the "court-house ring" of his county, which, from time to time, named the persons to be voted on as burgesses from that county. Later in his life, he felt the aspiration so strongly to go himself to Jamestown as a burgess that he ran for that office and was elected. The House promptly rejected him by reaffirming an earlier action of their body which declared that it would be "unpresidential" for an ordained clergyman to sit as a burgess. They declared his seat vacant and ordered a new election in Stafford County.<sup>37</sup>

In the disturbed days of 1690-91, when the king of France was waging war against England in an attempt to restore James Second to his throne, Parson Waugh and the two other trouble-makers, John West and Burr Powell, spread throughout Stafford and its surrounding counties a story which they said they had heard from an Indian woman; that the Roman Catholics of Maryland were plotting with the Indians to come across the Potomac River into Stafford and, after investing that county, overrun the whole colony of Virginia. Never did a rumor run more widely and act more effectively. The whole of the Northern Neck was aroused and a mob spirit spread so widely among the people that the militia of all the neighboring counties had to be called out to quell the uprising.<sup>38</sup> Waugh and his fellow tale-bearers were arrested and imprisoned until the excitement was over.

Again he came into unpleasant prominence by coming to court upon a certain "court-day" and, in the presence of a large crowd, declared that he had come to court "to correct the mistakes made by the Justices at their last sitting." And he called the Honorable Colonel Wil-

liam Fitzhugh of Bedford a Papist! This was decidedly a "fighting word" when applied to a loyal Virginian in the disturbed days of 1691. And that distinguished gentleman very indignantly declined to sit again in the county court until the parson's fiery and subversive statements were reported to the Council of State at Jamestown.<sup>39</sup> Then, about 1700, consistent to the last in his own self-willed way, Parson Waugh again officiated at the marriage of a runaway couple from Maryland and again he was suspended and fined. He did not again resume pastoral work, and so we leave him living on his own land—a plantation called "Overwarten." His influence still lives in an unusual way because, after his death, the upper parish of the two into which his original parish of Potomac had been divided took, and still bears, the name "Overwharton," in memory of their intransigent but very popular old first parson. His grandson, the Rev. Abner Waugh of St. Mary's Parish in Caroline County during the Revolutionary period, left behind him the reputation of being "the best dancer of the minuet in the State of Virginia."<sup>40</sup>

It must be realized, however, as we read the stories of injustices which needed correction, or of too colorful individual clergymen, that, underneath them all, the life of the Church was being strengthened and developed into better coordination. The few entirely unworthy clergymen were forced out of parishes and the weaker ones were being helped to live up to a higher standard of efficiency. Throughout the colony, the majority of the clergy were men of character and reputation, intent upon doing their duty and serving the Church and their people faithfully according to the ideals of their day and generation.

It may be of interest, as showing something of the influence upon the life of the day in Virginia, to call attention to the number of special days of thanksgiving or of prayer and fasting which were ordered by the Council or the House of Burgesses to be observed—in every case by special services held in all parishes and churches. The usual rule was to set two different days about two or three weeks apart—one day to be observed in Jamestown (or Williamsburg) and the neighboring parishes and the later date to be observed in the rest of the colony, so as to allow time for the announcement to reach to every county and parish. Quite obviously, no representative civil government would set special days of religious observance for its constituency unless it was convinced that religion meant a great deal in the life of the people.



The list of days is as follows:

*May 4, 1688.* A day of public fast and humiliation on account of epidemic and drought. A later date set for the rest of the colony.<sup>41</sup>

*April 25, 1691—(May 8, 1691).* A day of public fasting and prayer at the opening of the session of the General Assembly.<sup>42</sup>

*April 14, 1692—(April 28, 1692).* A day of thanksgiving for the preservation of King William and Queen Mary in their recent dangers and for the success over their enemies.<sup>43</sup>

*March 13, 1692/93.* Governor Andros announced that he had appointed special prayers for the General Assembly next Sunday.<sup>44</sup>

*May 17, 1693.* Set apart throughout the colony as a day of fasting and prayer "to implore by fastings and prayers the mercy of Almighty God in the pardon and forgiveness of our sins; and to avert further judgments we justly deserve. It having pleased Almighty God to afflict this country with the measles, whereof several have died."<sup>45</sup>

*April 19, 1696—(May 3, 1696).* A general Thanksgiving ordered on account of the blessings of Almighty God.<sup>46</sup>

*June 2, 1696.* A day of public thanksgiving ordered by the privy council in England and proclaimed by the governor and council in Virginia "for the delivery of his Majesty from the villainous conspiracy against his sacred person, and intended invasion."<sup>47</sup>

*March 13, 1697-98—(March 20, 1697-98).* A day of praise and thanksgiving ordered to be observed for his majesty's safe return to England and for the success of his armies and for an honourable peace.<sup>48</sup>

*July 15, 1698—(July 22, 1698).* A day of public fasting and humiliation because of great sickness and mortality in several parts of the colony.<sup>49</sup>

*July 6, 1699.* A solemn day of thanksgiving to Almighty God for his great mercies and blessings bestowed upon this dominion.<sup>50</sup>

*May 3, 1700.* A solemn day of fasting humiliation and prayer for delivering the colony from the great plague of caterpillars.<sup>51</sup>

*June 5, 1701—(June 19, 1701).* A day of thanksgiving for the delivery of the colony from the great plague of caterpillars.<sup>52</sup>

*August 13, 1701—(August 27, 1701).* A day of fasting appointed upon anticipation of outbreak of war with France.<sup>53</sup>

*March 11, 1701-02—(March 18, 1701/02).* Another general fast-day ordered in anticipation of war with France.<sup>54</sup>

*April 23, 1702.* A day of public thanksgiving "that it hath pleased God to raise up—abhorrence of the French king in setting up the pretended

prince of Wales for the King of England and Scotland; and also to bless the arms of the Emperor, one of his Majesty's allies, with continued success; and to preserve this Colony in peace and tranquility, giving us hopes of a plentiful year."<sup>55</sup>

*October 7, 1702.* A day of fasting and prayer because of war that has started between England and France. "Public prayers and a sermon in every church where there is a minister, public prayers and a homily in all other churches by clerk or reader." Certain prayers designated to be used and the Prayer to be used in time of war and tumults ordered to be used in all churches and chapels every Sunday "until I shall give orders to the contrary."<sup>56</sup>

*April 1, 1703—(May 4, 1703).* A day of public thanksgiving throughout the colony for the great and glorious success of her majesty's arms by sea and land.<sup>57</sup>

*February 6, 1704-05.* A special day of thanksgiving for the victory at Blenheim on the Danube by the Duke of Marlborough.<sup>58</sup>

*May 18, 1709.* A general fast ordered because divers parts of the colony are afflicted with a pestilential and infectious sickness.<sup>59</sup>

*January 11, 1709-10.* Another fast-day set on account of pestilential sickness.<sup>60</sup>

The usual rule in these proclamations of fasts and days of thanksgiving was to require services in all churches, with prayers and homilies in churches which the minister himself could not attend, or in the lack of a minister in the parish; and they usually carried the further direction:

"and I do further will and require that all his Majesty's Christian Subjects within this Colony and Dominion do reverently and religiously observe the aforesaid day . . . by abstaining from all Servile and bodily labour and religiously attending the Services of the day."<sup>61</sup>

This custom of observing special days of fasting and prayer, or of thanksgiving, continued for many years thereafter and only gradually fell into disuse. And it will be remembered that in the days immediately preceding the American Revolution the House of Burgesses ordered a day of fasting and prayer and church services to be observed in every parish in Virginia upon the day which the British Parliament had set for closing the port of Boston.

CHAPTER XVII • NOTES

1. This official list, dated June 3, 1680, has been published "*State Papers of Colonial Virginia, Senate Document No. 60*," pp. 103-04.  
It happens, however, that the Virginia State Library and the Virginia Diocesan Library now have photostat copies of the original report. This photostat copy shows that very serious errors in copying the names of the ministers appear in the list as printed in the Senate Document mentioned above.
2. These "Lists of the Parishes and the Clergy in Them" are as follows:  
LIST OF 1680—48 parishes 34 clergy. Charles City County listed as "Readers Only." This was the report of Secretary Jennings to the board of trade in London. In addition to its publication as Senate Document No. 60, it has been republished in *Virginia Magazine of History and Biography*, Vol. I, p. 373. This republication has the same errors as the copy in Senate Document No. 60.  
LIST OF 1702—49 parishes, 37 clergy, 12 vacant parishes. This was the report of the present state of Virginia in 1702 to the board of trade. Photostat in Virginia State Library.  
LIST OF 1714—50 parishes, 39 clergy, 9 vacant parishes. From report of present state of Virginia in 1714 to the board of trade. Photostat in Virginia State Library.  
LIST OF 1726—53 parishes, 43 clergy, 10 parishes vacant. From report of present state of Virginia in 1726 by Governor Drysdale to the board of trade. Transcript in U. S. Congressional Library. Photostat of transcript in Virginia State Library.  
LIST OF 1735—58 parishes, 46 clergy, 10 vacant parishes. From report of present state of Virginia. Photostat in Virginia State Library.  
LIST OF 1754—73 parishes, 68 incumbents, 5 parishes vacant, 5 clergy connected with the college, 3 unattached clergy. Published in Perry's *Papers Relating to the History of the Church in Virginia*, pp. 411-13.  
LIST OF 1755—73 parishes, 60 incumbents, 4 parishes vacant, 6 clergy connected with the college. Published in Perry, *Op. cit.*, above, pp. 429-31.  
LIST OF 1774—95 parishes, 90 incumbents, 5 vacant. Published in Purdy and Dixon's *Virginia Almanac for 1774*. The same almanac for several subsequent years carries the list of parishes and clergy. The list for 1787 appears in the Almanac for that year. These almanacs are in the Congressional Library in Washington.
3. McIlwaine, *Executive Journals Council of Colonial Virginia*, Vol. I, p. 7.
4. *Ibid.*, I, 496.
5. A. L. Cross, *The American Episcopate and the American Colonies*, p. 26.
6. *Ibid.*, p. 26, footnote.
7. *Ibid.*, pp. 28, 30.
8. *Ibid.*, p. 30.
9. McIlwaine, *Executive Journals of Council of Colonial Virginia*, I, 515.
10. See Report of Rev. William Gordon, commissary of the bishop of London in Barbadoes, in 1724, as reported in A. L. Cross, *Op. cit.*, pp. 44-45. "It may very well be objected," he argues, "that the words 'as far as conveniently may be' leave it to the discretion of the particular governors as to whether they

will allow commissaries to exercise their authority in their respective provinces." He thinks that this is a serious limitation but that when the commissary proceeds with the governor's consent the instructions are a sufficient warrant for every legal act of his.

11. Cross, *Op. cit.*, p. 57.
12. *Ibid.*, p. 57. Bishop Gibson's commission began "Whereas the colonies Plantations and our other Dominions in America are not divided nor formed nor are annexed to any Diocese in Great Britain." See Wm. S. Perry, Virginia Volume *Historical Papers*, p. 533.
13. *Ibid.*, pp. 58-59.
14. For a fuller sketch of Bishop Compton, see the account of his episcopate in Cross, *Op. cit.* See, also, *Church Historical Society Publication No. 111, Henry Compton, Bishop of London*, by Charles P. Keith.
15. Blair's commission, dated December 15, 1689, after listing exception as to licenses for marriages, probates of wills and instituting ministers into benefices, confers upon him as the bishop's commissary in what must have been a stock phrase taken from the form used in other cases, "all and every power of carrying out and performing whatever pertains and belongs to the office of our commissary by law or custom according to the laws, canons and constitutions followed and observed in the Church of England." But this is too general a statement to mean anything more than that he was to perform such duties as the bishop might entrust to him. For a further discussion of this subject see *infra*, Chapter XIX, pp. 280 *et seq.*
16. It does not seem possible to tell from the records now extant how regularly or with what frequency conventions of clergy were called by the commissaries in Virginia. William S. Perry, *Op. cit.*, mentions several that were held, and there are occasional references to others. There does not seem to be any evidence that they were held with any regularity until after 1750.
17. Cross, *Op. cit.*, p. 34.
18. McIlwaine, *Executive Journals of Council*, etc., I, 244-45. See, also, p. 531. Bruce mentions this in his *Institutional History of Virginia in the Seventeenth Century*, Vol. I, p. 128, and calls his name Semple. See both names in Goodwin, *Colonial Church in Virginia*, pp. 306 and 311, for further references.
19. See expressions of appreciation of his generous help in the building of churches in other colonies in Pennington's "*John Talbot, Apostle of New Jersey*," pp. 91, 99, 104-05 and elsewhere.
20. McIlwaine, *Executive Journals of Council*, I, 147-48.
21. McIlwaine, *Executive Journals*, I, 176. "This Board . . . do order that for the future no Vestry presume to entertain any minister in their parish who doth not in all things comply with the Canons of the Church of England, nor suffer any such minister to preach in their Church, and that the parishioners of every parish which hath not a legal vestry do forthwith elect and make choice of persons for a vestry as the law in that case directs: also that the Vestry of every parish that is not provided with a minister do immediately make choice of a Reader as is provided by law."

In view of the fact that, by this time, the Toleration Act of 1689 was in effect in Virginia, whereby every dissenting congregation had the privilege of its own place of worship and its own minister, it would hardly seem unfair that



the colonial authorities should protect the integrity of the Established Church by forbidding ministers who declined to conform to the doctrine and worship of the Church to serve as rectors of its parishes. This order mentioned above did not, however, prevent a minister of Presbyterian ordination from holding a parish in the Established Church in Virginia provided he agreed to use the Prayer Book and to conform to the Canon Laws of the Church of England.

At this very time, Col. John Carter of Christ Church Parish in Lancaster County was a member of the Council, the minister of his parish was the Rev. Andrew Jackson, a minister of Presbyterian ordination. See Goodwin, *Op. cit.*, p. 281; also *infra*, Appendix VIII, pp. 531-32.

22. McIlwaine, *Executive Journals*, I, 269.
23. *Ibid.*, I, 280.
24. *Ibid.*, I, 325-26, 328.
25. *Ibid.*, I, 285.
26. *Ibid.*, I, 309-10.
27. *Ibid.*, I, 322-23.
28. *Ibid.*, I, 327, 328-29.
29. See below, Chapter XVIII, pp. 261 *et seq.*
30. Bishop Meade tells the story that such a protest was made against the Rev. Lewis Latane by some of his parishioners in South Farnham Parish. Upon one occasion, when discussing the matter with one of his vestrymen who thought the minister should leave the parish because of the difficulty of understanding him, as they approached the gate of the glebe the parson invited him to "go by and get something to drink." But when the vestryman accepted with some alacrity, the parson continued: "You can readily understand me when I tempt you to do wrong, but you can't understand me when I counsel you to do right." (Meade, *Old Churches, Ministers and Families in Virginia*, Vol. I, pp. 389-90.)
31. This dislike of the Scottish clergy and the reason therefor came out clearly in the hearing held by the archbishop of Canterbury and the bishop of London of the charges preferred by members of the Council against Commissary Blair. See William S. Perry, *Op. cit.*, Virginia Volume, pp. 36-65.
32. McIlwaine, *Executive Journals*, I, 442, *et seq.*, 465, II.
33. W. Northey Jones, *History of St. Peter's Church*, Perth-Amboy, New Jersey, pp. 17-25. Wm. S. Perry, *Papers Relating to the History of the Church in Pennsylvania*, p. 16.
34. McIlwaine, *Op. cit.*, II, 134.
35. This expedition to Stratton-Major was reported by the late Rev. Arthur P. Gray, a well-known student of the history of that immediate section.
36. Wm. S. Perry, *Op. cit.*, Virginia Volume, pp. 181-82, and foot-note.
37. McIlwaine, *Journal House of Burgesses, 1695-1702*, p. 140.
38. For an interesting account of Parson Waugh and his "Tumult," see Fairfax Harrison, *Landmarks of Old Prince William*, Vol. I, pp. 130-42. See, also, Goodwin, *Op. cit.*, p. 315, and references there listed.
39. See a long letter of Col. William Fitzhugh to the justices of the Stafford County Court, in the Stafford Court records for 1691.

40. Goodwin, *Op. cit.*, p. 314. The story of his ability as a dancer of the minuet came down as a tradition in the section in which he lived.
41. McIlwaine, *Journal House of Burgesses*, 1659/60-93, pp. 296-97, April 27, 28, 1688.
42. *Ibid.*, pp. 336, 338, April 18, 1691.
43. McIlwaine, *Executive Journals of the Council*, I, 245. April 4, 1692.
44. McIlwaine, *Journal House of Burgesses*, 1659/60-93, p. 422. Randolph's notes state that this was a solemn day of fasting called by the governor to implore the blessings of God upon the deliberations of the Assembly. See *Exec. Journals of the Council*, I, 532.
45. McIlwaine, *Executive Journals of Council*, I, 285, 292-3. April 27, 1693.
46. *Ibid.*, I, 342. April 16, 1696. The House of Burgesses on April 27th publicly thanked the governor for appointing this day of thanksgiving.
47. *Ibid.*, I, 345. May 18, 1696.
48. *Ibid.*, I, 378. March 7, 1697/98.
49. *Ibid.*, I, 386, 403. July 8, 1698.
50. *Ibid.*, I, 450, 452-54. June 8, 1699. See also *Journal of the House of Burgesses* under date of June 8, 1699.
51. *Executive Journals of Council*, Vol. II, 47, 49. April 6, 1700.
52. *Ibid.*, II, 138-39.
53. *Ibid.*, II, 178. August 7, 1701.
54. *Ibid.*, II, 219. February 16, 1701/02.
55. *Ibid.*, II, 252-53. April, 1702.
56. *Ibid.*, II, 297, September, 1702.
57. *Ibid.*, II, 301, 303. March 22, 24, 1702/03.
58. *Ibid.*, II, 413-444, December 15, 1704.
59. *Ibid.*, III, 214. April 18, 1709.
60. *Ibid.*, III, 229. December 8, 1709.
61. This is copied from Governor Nicholson's proclamation of April, 1702. See Note 58, above.

# The Effects of the Toleration Act in Virginia

THE edict of King James Second suspending the operation of the laws against non-conformists, both Protestant and Roman Catholic, in England, and of every act of Parliament imposing a religious test for office holding, which he issued on April 4, 1687, reached Virginia in due time and different from its reception in England was received with enthusiasm and seemingly general acceptance. The governor, Lord Howard of Effingham, reported the edict to the Council of State on October 21, 1687.<sup>1</sup>

"His Excellency was this day in Council pleased to acquaint the Council that he had received his Majesty's most gracious declaration for Liberty of Conscience, which he is pleased to order to be published in James City on Tuesday next, with the beat of drum and the firing of the great guns and with all the joyfulness that this Colony is capable to express, and that it be entered in the Council Book and published in every County in this Colony at their next Courts and recorded amongst the records of every County."

A further response was made by the Council on February second, 1687/8 in an address of thanks to the king "on account of his majesty's Declaration of Liberty of Conscience."<sup>2</sup> And eight months later, in October, 1688, while England was seething with the heat of rebellion against the king, the Council in Virginia suspended one of the justices of the peace of Accomack County and ordered him to answer before the Council for having expressed his fear that "his Majesty would wear out the Church of England by filling vacancies with men of other persuasions."<sup>3</sup>

If this rejoicing over the king's edict had been confined to the Council of State alone, the charge might very easily prevail that the members of the Council were more subservient to the king who appointed them than to the colony for which they acted. It is, therefore, significant to note that the House of Burgesses, who unquestionably represented the people of the colony, took definite action to put into the law

of Virginia an act carrying out the provisions of the edict issued by the king. A new session of the Assembly met in April, 1688, six months after the edict had been ordered to be published in every county in the colony. An election had been held in every county to select burgesses for this session, and if there had been any general objection to the edict burgesses would certainly have been elected to oppose its enforcement in Virginia. On the contrary, no opposition at all appeared, and Stafford County even went to the extent of electing a Roman Catholic, George Brent, as one of its burgesses.<sup>4</sup>

When the Assembly met, the House put upon record that, with one exception, every burgess (recorded by name) took the oath of allegiance, the oath of supremacy and the oath of a burgess. The one exception was George Brent, who did not take any oath except the oath of a burgess.<sup>5</sup>

The House proceeded further to take under consideration the laws of Virginia, which were in conflict with the king's edict and, during the course of a very short session, adopted a "Bill for repealing the Act prohibiting the unlawful assembly of Quakers."<sup>6</sup> This bill, however, while having passed the House of Burgesses, failed to be enacted into law because the governor prorogued the Assembly before the upper House could act upon it. Indeed, not a single law of any kind was adopted at this session, for the reason that the House, during the whole time, was engaged in such an exceedingly bitter fight with the governor, Lord Howard, that he prorogued the Assembly and sent the burgesses home in an effort to get them off his back.

Although no law was enacted, yet, from the standpoint of independence and self-government in Virginia, it was one of the very notable sessions in the long life of the Virginia Assembly. The House of Burgesses was engaged in protesting against the aggressions and exactions of the governor. The session was prorogued just as the House had prepared and signed a strong protest directly to the king, over the head of Lord Howard, against his conduct and actions.<sup>7</sup> The fact that, in the bitterness of such a prolonged fight, the House of Burgesses considered the removal of restrictions against the Quakers a matter of sufficient importance to occupy their time and thought is of considerable importance. The reason for it may be that it was part of the Virginian ideal of freedom that had animated the founders of the colony and had never died.

The student of her history must perceive that repressive laws against dissenters of any kind were never enacted except when it seemed that



her colonial institutions and her freedom of life were endangered. Notwithstanding orders given by the king or privy council to successive governors about maintaining and upholding the Church of England, the will of the people, as shown in the laws that were made, or were not made, dealing with dissent, and the seasonal laxness or strictness of those that were enacted, was that dissenters who were willing to live in peace with their neighbors and uphold the laws of the colony were welcomed and received into the colonial life. George Brent, the Roman Catholic, and other occasional Roman Catholics, were permitted to hold office in spite of laws. John Pleasants, the Quaker, was elected a member of the House of Burgesses, and it was his own refusal to take the oaths, and not the unwillingness of the House to receive him, that vacated his seat.<sup>8</sup>

This attitude was just plain common sense. Virginia was not at all a community established as a haven for the adherents of any certain sect of Christians or any dissatisfied group but was definitely intended to be an extension of the English nation and its way of life on the western shore of the Atlantic Ocean. The supreme need was steady increase of population in order to insure the security of her institutions through the extension of colonization and increase of population. The English non-conformist, the Scottish Highlander, the Scotch-Irish, the Protestant Irishman, the Huguenot, and later the German and Dutch "foreign protestants," were all welcomed upon the one condition that they obey the laws of the colony and live at peace under the existing government. Repressive laws which kept away desirable settlers would have seemed to the leaders of Virginia's life to be disloyal to her ideals and hurtful to the best interests of her people.<sup>9</sup>

This attitude on the part of the people of Virginia may help to explain why the action of the king in overruling Parliament and issuing his edict of toleration in his own right as king, which resulted in England in a revolution that expelled him from the throne, seemed to be received in Virginia with such favor. A deeper reason will be found in the fundamental fact that this particular battle of the English people to preserve their self-government and independence against the claim of the divine right of the king to rule in his own sovereign power was a contest in England between the king and the Parliament of England representing the people of England. The chief justice of England had ruled that the king had this divine right, but the authority of the chief justice of England, as did that of the Parliament of England, stopped at the River Tweed. Scotland, with its own Parliament,

and Virginia, with its General Assembly, were not as immediately affected as were the people of England whose constitution was being attacked. James was the king of Scotland and the king of Virginia; but the laws of the English Parliament, except in those which "the Plantations" were distinctly mentioned, were not in effect in Virginia until they had been enacted by definite action of the Virginia Assembly, or, as in the case of the Toleration Act of 1689, put into effect by executive action of the Council of State with the tacit consent of the House of Burgesses.<sup>10</sup> The people of England under the lead of their Parliament were fighting against James for the freedom and constitutional government of the whole English-speaking race, and if England had lost that battle both Scotland and Virginia would, in the end, have lost their own constitutional government also. But, for the time being, the edict of the king, when it reached Virginia, found no law which it upset except the law against the Quakers; and the House of Burgesses showed its willingness to repeal that law because, after all, the king's edict fitted into the Virginian's ideal of life. The General Assembly was, moreover, at that particular time waging a fight of its own in its resistance to the aggressions of a dictatorial and tyrannical governor. Actually, it was fighting the same battle for constitutional government as England was, but upon another front.

### *The Toleration Act of 1689*

King James' edict of toleration of 1687 was aimed primarily at the removal of barriers which prevented Roman Catholics from holding office or having their own worship. But the time had not yet come, either in England or America, when such restrictions could be removed. As was shown later, even Virginia, which permitted Captain George Brent to sit in the Assembly of 1688, was not willing to remove fully that restriction, or even to continue the privilege of a seat to Captain Brent.<sup>11</sup>

The abdication of King James and the acceptance of King William and Queen Mary as joint sovereigns of England served automatically to abolish the edict of King James. This left all the repressive acts against dissenters in force in England and the acts against Quakers in Virginia.

Sensing, however, and expressing the demand of the people, the English Parliament adopted the Toleration Act of 1689, which left in force all the existing restrictions against Roman Catholics but removed

all penalties in the laws affecting the Protestant dissenters.<sup>12</sup> This Act was put into effect in Virginia at first by general approval and ten years later by direct enactment of the General Assembly. There does not seem to be any specific adoption of the Act of Toleration in any resolution or bill of the House of Burgesses prior to 1699, although quite obviously the matter was discussed upon the presentation of a report of the committee of propositions and grievances in October, 1693.

A petition had been presented at that session from some county and persons unnamed proposing "that none might be suffered to exercise the function of a Minister or undertake the education of youth but such as are professed members of the Church of England, subscribe to the Canons, etc." The House agreed to the report and recommendation of the committee, "that the laws already made sufficiently provide for the same,"<sup>13</sup> and thereby made very clear that it did not propose to enact a law which was stricter in its repression of non-conformists than those that were already in existence. Laws, or orders of Council, were already in force forbidding the governor to induct into the rectorship of any parish of the Established Church any minister who did not have the license of the bishop of London to serve in Virginia,<sup>14</sup> and forbidding any vestry to employ any minister to officiate in its parish who did not conform to the doctrines and rules of the Church of England.<sup>15</sup> Beyond these regulations affecting the Established Church alone, the House of Burgesses did not intend to go.

The Act of Toleration of 1689, as adopted in Virginia in 1699, continued to guide the enactments of the General Assembly and the enforcement of the laws until the end of the colonial period. The question arose in the later years whether the Act of Toleration was in effect in Virginia, and because the actual mention of that Act appearing in the Virginia enactment of 1699 had been dropped in the revisal of 1744, the categorical statement was made that this act did not extend to Virginia.<sup>16</sup> It is quite true that legally it did not extend to Virginia because the Act did not include the provision that its operation should extend to "the Plantations." But an understanding of the spirit underlying and animating the actions of the House and the clear acceptance of the Act of Toleration manifest in the minutes of the executive Journals of the Council of State will show clearly that the Act was definitely accepted and enforced in Virginia shortly after its enactment in England. No further statute was ever made in Virginia forbidding any group of dissenters to worship according to their own conscientious



convictions and to develop their own organizations. Laws were, however, enacted from time to time and enforced against any sect which seemed, in the judgment of the day, to be guilty of conduct deleterious to the welfare of the state, as, for instance, disturbance of worship and the continued refusal of Quakers to take their part in protection of the state by bearing arms in its defense when need so required.

Indeed, it did not take long for the Quakers to fall under suspicion of the colonial authorities of a far more serious character than their attacks upon the doctrines and worship of the Church. With England engaged in war with France in the year 1691, and all the American colonies in fear of an invasion by the French fleet or French and Indian forces from Canada, the disturbing report came to the Council at Jamestown that the Quakers had openly announced that they would not resist if French and Indian forces should attack Philadelphia, and that, in conformity with their faith and doctrines, they would welcome their enemies and supply them with food. It was also reported and proven that the Quakers had, in many cases in Virginia, refused absolutely to obey the law by declining to certify to the county court their places of worship, and that meetings were being held in secret and unknown to the authorities; and, moreover, that not only the local members of their sect but also visitors from Pennsylvania and elsewhere were "usually present." This, as any military man would see at once, would provide an admirable way for a French fleet investing Philadelphia to secure through the constant passing back and forth of Quaker delegates and travelers sufficiently accurate accounts of the conditions in other colonies to enable them to prepare plans for attack.<sup>17</sup>

The Virginian officials were so seriously disturbed when this report first came to them that they ordered an investigation of the actions of the Quakers in every county where they lived and ordered that the reports they had received be transmitted to the lords of trade and the plantations in England.<sup>18</sup> Investigation, report of which was made to the Council a month later, showed the condition to have the serious possibilities described above. The Council sent pressing orders to the justices of every county to force the Quakers to obey the law reporting their places of worship and to require that the Quakers, under severe penalties for disobedience, report to the county court the presence of every visitor from outside the county and to bring to the justices for questioning every fresh traveler who came from outside. Regardless of how much or how little truth there was in the statement of the declaration said to have been made by the Quakers of Philadelphia,



it was shown that the Quakers in Virginia were disobeying or ignoring the law, and indeed the very law which had been enacted to relieve them of the penalties of the earlier repressive statutes. It is quite easy to understand that their own actions brought upon themselves the suspicion of disloyalty to the colony.

One can, therefore, understand very easily the attitude of the House of Burgesses just a year later, when John Pleasants and John Woodson and other Quakers presented a petition that the law fining them for refusing to bear arms and attend the regular musters of the militia be repealed. The answer of the House was a brusque and very emphatic "NO."<sup>19</sup>

Again, in 1699, the Quakers came into conflict with the authorities. "Whereas," so runs the chronicle, "divers complaints have been made of the evil and seditious practices made in several parts of the country by the people called Quakers, therefore ordered that it be recommended to Mr. Commissary Blair to consider the most proper methods for preventing the like in the future."<sup>20</sup> The Council went a step further in an effort to bring them under some control by ordering that the court in every county secure and return to the governor's office "an exact account of what public or private meetings of any other religion than the Church of England as by law established are in their respective counties, where they are kept, and how long they have been kept? How licensed? How many and what persons resort thereto, what particular religion they are of, how their preachers are qualified, and whether any wandering strangers come into their counties as preachers or upon any pretense of religion whatsoever."<sup>21</sup>

On the other hand, it must be noted that, in this very year 1699, when the county courts were securing and reporting all the information they could about the Quakers because of the suspicion of their disloyalty, and again six years later, Thomas Story, the well known English Quaker, spent long periods in Virginia traveling across the colony from county to county, being entertained by people of social and official position, preaching without let or hindrance wherever and whenever opportunity offered. His experience is an illustration of the freedom given to the individual Quaker when once his integrity and loyalty was proven.<sup>22</sup>

### *The Presbyterians*

The name of the Rev. Francis Makemie, the Father of the Presbyterian Church in America, appears for the first time upon the official

records of the Council of State of Virginia in 1699, sixteen years or thereabouts after his arrival in America. Born of Scottish parents in Ireland, and ordained by the Presbytery of Laggan, he came to America about the year 1683 and found a home on the Eastern Shore of Maryland. He seems to have been inspired from the first with the desire to organize and strengthen groups holding the Presbyterian discipline, wherever he might find them, rather than to undertake the pastorate of some organized congregation. This purpose dominated his whole life and carried him on journeys of varied welcome and ill-treatment as far as New England. He seems to have made the acquaintance soon after his arrival in Chesapeake Bay of the Presbyterian families living on the Eastern Branch of Elizabeth River in Lynnhaven Parish<sup>23</sup> and found, perhaps to his surprise, that a minister of Presbyterian ordination, the Rev. James Porter,<sup>24</sup> was incumbent of the parish.

Planning in the following year, 1684, to make a trip to visit the Presbyterians in South Carolina, he was driven by contrary winds to stop again in Lynnhaven Parish and, being urged by the friends whom he had previously made, he consented to remain and minister to the Presbyterian group. Mr. Porter had recently died and, as the parish had not been filled, they were without a pastor, either Anglican or Presbyterian. Mr. Makemie remained for more than a year, ministering to his people in Lynnhaven and the adjoining parish of Elizabeth River. Writing to Rev. Increase Mather of Boston under date of July 22, 1684, he said:

"I am here assured of liberty, and other encouragements, resolving to submit to the sovereign providence of god, who has been pleased very unexpectedly to drive me back to his poor desolate people, among whom I desire to continue until god in his providence determine otherwise concerning me."<sup>25</sup>

Mr. Makemie remained for more than a year, as shown by a second letter written to Increase Mather on July 28, 1685.<sup>26</sup> There seems to be no record to show when he left. It would seem that his ministry was confined to the families of the Presbyterian group, and that he did not become minister of the parish as James Porter had done. In the absence of all actual evidence, the guess may be a good one that, as Mr. Makemie was seeking to find and to minister especially to the Presbyterian group, and, judging by later developments, as his people were living in the two adjoining parishes, an acceptance of the charge

of either parish would, under Anglican Church law, have automatically estopped him from holding services or officiating among families living in the other parish.

A few years later Mr. Makemie married the daughter of a citizen of Accomack County in Virginia and moved his residence across the Maryland line to that county. He lived here for the remainder of his life. He traveled far and wide in the colonies to the north of Virginia, preaching and organizing congregations. From them he formed about 1706 the presbytery of Philadelphia, the mother presbytery of the Presbyterian Church in America.<sup>27</sup> After his ministry on Elizabeth River, he seems to have made no sustained effort to establish Presbyterian congregations in Virginia, although he did later on register his own home and another building owned by him as preaching points.

It would seem, however, that, in spite of the acceptance of the Toleration Act of 1689 by the colonial authorities of Virginia, there were instances in the counties remote from the seat of government of unwillingness to permit the organization of dissenting congregations. Judging by the reply made by the Council to a petition which Mr. Makemie presented to that body in 1699, it appears that he had met with interference and opposition and had appealed to the Council for protection in his rights. His petition has not been preserved, and we can only judge of its purpose by the answer made by the Council. It was as follows:<sup>28</sup>

"April 29, 1699. Mr. Francis Makemie, a dissenting minister by his petition to his Excellency having prayed that a proclamation may issue declaring the freedom and liberty of conscience that is allowed by the laws of England, and forbidding all persons whatsoever to interrupt any sect of dissenters in the free and open exercise of religion according to their several persuasions; the said Makemie was called into the Council Chamber and his Excellency by the advice of the Council was pleased to let him know that all dissenters under his government shall have such liberty allowed them as the law directs Provided they use it civilly and quietly and do not disturb the peace of the Government, which is all the encouragement they can or ought to expect from him; that if he on his part had complied with the law he was free to prosecute such as molested him contrary to law."<sup>29</sup>

The story of the earliest Presbyterians in Virginia seems to be hopelessly lost in the shadows. That many came during the earlier years goes without saying, and perhaps half a dozen or more clergymen of Presbyterian ordination have come to light as holding the charge of

parishes in the Established Church of Virginia during the seventeenth century. It seems, also, quite clear that the Scottish Presbyterians who came made no effort to organize the Presbyterian Church as a dissenting body but affiliated with the Anglican parishes. This was true even after the Act of Toleration went into effect and until the beginning of the Evangelical Revival. The English Presbyterians, however, who came to Virginia after the Act of Toleration showed evidences of their desire to organize their own congregations; but, with the exception of the congregation in Norfolk County, the congregations which were organized by them between 1689 and 1738 did not survive in any case more than a brief number of years.

Being inspired perhaps by the presence in Virginia of Mr. Makemie and by his success in establishing congregations in the colonies to the north, it seems clear that between 1690 and 1720 Presbyterian congregations were established or groups of Presbyterians organized in Accomack (where Mr. Makemie lived until his death in 1708), in Norfolk and Princess Anne Counties, in Westmoreland County, and in King George and Stafford Counties. The first effort, and the first Presbyterian minister ever to hold a pastoral charge in Virginia other than as incumbent of an Anglican parish, was that of the Reverend Josias Mackie, who appeared before the court of Norfolk County on the 15th of August, 1692, and in the presence of two justices of the peace took the necessary oaths and was registered as a non-conforming minister. He then put upon record the places where he proposed to preach.<sup>30</sup>

Under the law of the times, the oaths to be taken by a non-conforming minister included the customary oaths of loyalty and fidelity to the sovereign and a sworn denial of belief in the doctrine of transubstantiation and the other distinctive Roman Catholic doctrines of "Invocation or adoration of the Virgin Mary, or any other saint, and the Sacrifice of the Mass, as they are now used in the Church of Rome." In addition to these, which were required to be taken by all men, clergy or laymen who held office in Virginia, the non-conformist minister was required to declare under oath his approbation of and subscription to all those articles of religion of the Church of England which express belief in the Bible and the fundamental doctrines of the Christian faith but excluding those which declared the particular features of discipline and worship in which the Protestant dissenting Churches differed from the Anglican Church. The purpose of this oath was to put every person who desired to serve as an ordained minister and teacher of religion in Virginia definitely on record as being a believer



in all the doctrines of the Christian faith and a member of one of the Protestant Churches as distinguished from the Roman Catholic Church.

Mr. Mackie had been living on the Eastern Branch of the Elizabeth River for a good many years before he appeared before the court to ask for recordation as a dissenting minister. According to a report made to the Council of State by the justices of the peace of Princess Anne County on October 4, 1699, Josias Mackie had come into that section at some time during the administration of Lord Howard of Effingham, that is, between 1684 and 1688, and, "by permission of the Governor," had served as the incumbent minister of Elizabeth River Parish.<sup>31</sup> It would seem most probable that he had come to the Elizabeth River section shortly after Francis Makemie left and perhaps, as suggested in the account of him by Sprague,<sup>32</sup> may have been brought over by Makemie himself to succeed him in his ministrations to the Presbyterians. But, differing from his predecessor, he accepted the incumbency of the parish of the Established Church following the example of the Rev. James Porter in Lynnhaven Parish; and he continued in that position until after the arrival of Colonel Nicholson as lieutenant-governor in June, 1690. It must have been about a year later when the lieutenant-governor, after having received reports from the justices of the peace of the several counties, reported to the Council that "some vestries in the colony entertain ministers in their parishes who do not conform to the doctrines and rules of the Church of England," and the Council issued its order of May 15, 1691, forbidding any vestry "to entertain any minister in their parish who doth not in all things comply with the Canons of the Church of England."<sup>33</sup> As far as is known to the present writer, Rev. Josias Mackie in Elizabeth River Parish and the Rev. Andrew Jackson in Christ Church Parish, Lancaster County, were the only ministers of Presbyterian ordination holding parishes under the Establishment at that time. Andrew Jackson, like Josias Mackie, was "entertained by the allowance of my Lord Howard," but, unlike Mackie, was retained by his vestry in defiance of the order of the council until his death in 1710.<sup>34</sup>

Mr. Mackie, as reported by the justices was "discharged" from his parish by order of Governor Nicholson after the issuance of the order of the Council probably when the year for which he had been employed by the vestry came to an end. Being thus estopped from ministering to all the people of the parish, he confined his official ministrations to the Presbyterian group and, at the earliest possible moment, asked permission of the Court to take advantage of the provisions of

the Toleration Act and be recorded as a dissenting minister. This date of his recordation by the Court, therefore, August 15, 1692, must be recognized as the first official organization of a Presbyterian congregation under the laws of the colony of Virginia. Very little seems to be known of their organization. Two preaching points were recorded by the Court of Norfolk County at that time, and a year later, on September 6, 1693, another place of worship was recorded as being on the eastern shore of the Lynnhaven River, in quite another section of Lynnhaven Parish.<sup>35</sup> Mr. Mackie, the first legally settled Presbyterian minister in Virginia, continued in this charge until his death in 1716, a pastorate of nearly, if not quite, thirty years. In his will, probated in that year, he left his "more scholastic books of the learned languages as lattan greek and hebrew to be equally divided between mr. Henry, mr. Hampton and Mr. Macknesse, non-conforming ministers at Pokomoke or thereabouts."<sup>36</sup>

The second Presbyterian congregation was probably the one organized by Mr. Makemie including either one or both of the preaching points in Accomack County which he registered in 1699. There seems to be no actual record of this congregation, at least by any known name, and yet the Presbyterian group, in connection with Rehoboth in Maryland, was sufficiently strong to call the Rev. John Henry as pastor after the death of Makemie in 1708.<sup>37</sup> The congregation must have died out after Mr. Henry's pastorate.

The next Presbyterian congregation in Virginia whose existence can be definitely proven appears in a minute of the synod of Philadelphia under date of September 19, 1719. "The Synod having received a letter from the people of Potomake in Virginia requesting the Synod's care and diligence to provide them an able gospel minister to settle among them, it was appointed that the Rev. Mr. Daniel McGill should go and preach to that people in order to settlement upon mutual agreement."<sup>38</sup> Daniel McGill reported to the synod a year later, on September 22, 1720, that "according to last year's appointment he went to Potomake in Virginia and after some months continuance there put the people into Church order. The people of Potomake requested the Synod to settled Daniel McGill as their minister, but this was not done, and the name Potomake died out of the Synod's minutes."<sup>39</sup>

While the exact site of "Potomake in Virginia has never been definitely settled,"<sup>40</sup> the most probable site would seem to be some locality on Potomac Creek, which makes in from the Potomac River in the present lower corner of Stafford County and very near the King George

County Line.<sup>41</sup> The strongest reason for this opinion lies in the fact that the existence of Presbyterians in King George County has been proven by court records. Within a few months of the organization of that county in 1721, a dozen or more persons were presented by the grand jury for not going to Church. Two only of them, Timothy Riding and his wife, were brought to trial in the county court and the charge against them was dismissed upon the ground that they "openly alleged that they were dissenters and of the Presbyterian denomination."<sup>42</sup> It would seem that this was a test case, and after the dismissal of the case the charge against the others was dropped. No record has as yet appeared definitely connecting Timothy Riding and the others with the congregation at Potomake, but the inference is strong that they belonged to that congregation.

Shortly before this action of the King George County court, nine persons were presented in 1717 to the Westmoreland County court on the charge of "convening under pretence of divine worship with divers others in conventicles contrary and repugnant to law," and upon conviction they were ordered to own their fault in the presence of the congregation of Yeocomico Church upon the next Lord's Day that divine services shall be celebrated there in the following words, "I do acknowledge and confess before God and in the presence of this congregation that I have been guilty of convening and meeting in unlawful assemblies, and I do humbly ask God and this congregation's forgiveness of my offense therein, and do also promise never to commit the like again."<sup>43</sup> Three years later members of the same group were again presented upon the same charge by the grand jury, but, when the case came to trial, appeal was made to the General Court, and no further record of it appears in the Westmoreland Court. Nor does any record of such an appeal having come before the Council or the General Court seem to be in existence. One might almost hazard a guess that the action of the court of the remote county of Westmoreland in 1717, in punishing a group of non-conformists contrary to the established policy of the colonial government, occurred without the knowledge of the authorities in Williamsburg, and when appeal was made to the council upon the event of the second presentment somebody in authority read the riot act to the honorable justices of the peace of Westmoreland. The case of presentment on a similar charge in the court of the adjoining county of King George in the following year, 1721, resulting in a dismissal of the charge, may possibly strengthen the suggestion

that the governor and Council had intervened and reminded the outlying districts that Virginia had accepted the Toleration Act.

The fact that these non-conformists were ordered to confess their sin in Yeocomico Church would seem to indicate that this group lived in the lower section of Westmoreland County near the Richmond County and Northumberland County line. As the Yeocomico River, near which Yeocomico Church still stands, is perhaps forty miles east of Potomac Creek, it would seem that they had a preaching place or "conventicle" of their own separate from the preaching place of the congregation at Potomac Creek.

Strengthened perhaps by the action of the King George County Court in 1720 in dismissing the charges against the Presbyterians, and the dropping of the charge against those around Yeocomico River, the Presbyterians on the Northumberland County side of that River three years later petitioned their county court for permission "to set up a Presbyterian meeting house," which petition the justices of their court immediately forwarded to the governor for advice. The matter came before the Council on April 23, 1724, and was referred to the attorney-general for his report thereon. No record appears in the Council journal of further action by the Council, but the attorney general may have communicated directly with the Northumberland County justices.

Just a year later, however, on April 29, 1725, a "representation" from the county of Richmond, adjoining both Northumberland and Westmoreland, was presented to the Council insistently demanding a ruling by that body upon this question. They stated that a number of persons in their county "calling themselves protestant dissenters," had petitioned their court for license to have a place recorded for their public worship according to the provisions of the Toleration Act of 1689. The justices of the county court called the attention of the Council to the acts of the Virginia Assembly of 1642 and 1662, which forbade any ministers except those who conformed to the doctrine, discipline and worship of the Anglican Church to preach or teach in Virginia; and they asked the Council whether, in view of these laws, permission could be granted to dissenters to organize congregations, erect meeting houses and have their own dissenting ministers.

The Council referred the matter to a committee of three of the ablest lawyers in the colony, the attorney-general, John Clayton, the treasurer of the colony, John Holloway, and John Randolph, later knighted by King George for his outstanding services. Basing their action upon the



report of this committee, the Council on May 4, 1725, took the final authoritative action:

"This Board having considered the representation of the Justices of Richmond County, together with the opinion of his Majesty's attorney, and of John Holloway and John Randolph, Esquires, to whom it was referred to report their opinions how far the Act of Parliament made the first year of their Majesties King William and Queen Mary, entitled 'An Act exempting their Majesties protestant subjects dissenting from the Church of England from the penalties of certain laws' were in force in this colony, and having also considered his Majesty's instruction to the Governor for allowing a liberty of Conscience to all Christians except papists; It is the opinion of this Board, and accordingly ordered that the dissenters in Richmond County and their preacher, on their application to the Court of the said County, and respectively taking such oaths and subscribing such declaration as are prescribed and enjoined by the said Act, have the free exercise of their religion at such place of public worship in the said county as they shall desire to be recorded by the County Court for that purpose, so as they also observe the directions of the said Act of Parliament at their meetings at such place of public worship set apart as aforesaid."<sup>44</sup>

This clear statement of the application of the Toleration Act in Virginia made by the Council fixed the custom of the colony for the remainder of the colonial period. Attention may be called to the fact that, in the noted case of Rev. Samuel Davies a generation later, the appeal under which he came before the Council sitting as the General Court, was not based upon the charge that he had set up a preaching place contrary to law, but that he had secured the establishment of so many preaching points in so many different counties and was asking for the establishment of so many more that he was making himself merely an itinerant preacher and not the pastor of settled congregations as provided for under the law.

### *The First Baptists*

The first known record of a Baptist preacher in Virginia appears in the journal of Thomas Story, the noted Quaker. He made his first visit to Virginia in 1699, and as he traveled from place to place he spent some time in York County and held a meeting in Yorktown, "at the home of one Thomas Bongor, a preacher among the General Baptists."<sup>45</sup> Nothing whatever is known today of the work of Thomas Bongor and the places where he preached. There seems to be no record of any organization of Baptists at that time, nor has any record

appeared of preaching places registered by him. Yet it may possibly happen that some connection will be found between him and the group in Isle of Wight County who, a dozen years later, petitioned the General Baptists in London to send them a preacher.

The fact of the existence of a group of Baptists in Isle of Wight is revealed by their petition, which the General Baptists in London received and acted on in 1714. Their response was the ordination of two men, Robert Nordin and Thomas White, to go to Virginia. Thomas White died on the way, but Robert Nordin came safely and spent eleven years in Virginia. He organized a Baptist congregation in Prince George County, at a place called Burleigh, and seems to have preached also in Isle of Wight and in Surry Counties.<sup>46</sup> There was a Baptist congregation of about thirty or forty members in Isle of Wight County in 1729 and other congregations in Surry.<sup>47</sup> These congregations seem to have died out, to a certain extent at least, by the removal of their members to North Carolina before the incoming of the later Separate Baptists into Virginia.<sup>48</sup>

About 1743 another group of Baptists came from Maryland across the Potomac River to Frederick County and organized a congregation called Mill Creek on Opeckon Creek. From this congregation a colony came across the Blue Ridge Mountains into Loudoun County and established a congregation called Ketoctin Church in 1751; later on a third congregation in Rockingham County and a fourth united with the two other to form the Ketoctin Association in 1766, which was the first association of Baptist Churches in Virginia. It was in affiliation with the Philadelphia Baptist Association but was later absorbed by the Separate Baptists, who, between 1760 and 1775, overspread the colony.<sup>49</sup> Indeed, the real life and growth of the Baptists in Virginia came under the impetus of the Great Revival with the incoming of the Separate Baptists from North Carolina in 1760.

Another little known event in the field of Toleration occurred between 1713 and 1719 in Hanover Parish, which was then in Richmond County, as reported with much indignation by the Reverend Hugh Jones of William and Mary College to the bishop of London. It seems that the vestry of Hanover Parish, which covered all the western end of the county and extended indefinitely westward, had "built a Chapel and levied a salary for a layman of Enthusiasticall principles, tho' they have a good Church of England minister in their Parish."<sup>50</sup>

Interpreting this statement in the light of facts which have been discovered in King George County land grants,<sup>51</sup> it would seem that

a group of people of the same dissenting faith (perhaps, as has been suggested, redemptioners who had served their time and were now securing land for themselves) had patented neighboring tracts of land upon the far western frontier of settlement on the north side of the Rappahannock River and thirty or thirty-five miles west of the upper church of the parish at Muddy Creek. The vestry of the parish, instead either of trying to force them to attend the parish church, or building a chapel of ease in their neighborhood, officially recognized their right as dissenters, and helped them by erecting a chapel of their own and levying upon their own group for their minister, or, perhaps, appropriated the amount of parish tithes which they collected from that particular group of families to the erection of their chapel and the salary of their minister. The mention of "Chappell Run," described as emptying into "the Horsepen Branch of the Great Marsh Run" in these early patents, seems to indicate that this chapel was in the general neighborhood, or within a mile or two of the later Elk Run Church of Hamilton Parish, which was situated in the lower part of the present Fauquier County.

From Mr. Hugh Jones' statement that this minister was "a layman of Enthusiasticall Principles," the impression is made upon this writer that this was an early and as yet unknown little congregation of Baptists. For certainly the Baptists were looked upon as being theologically speaking "of enthusiastical Principles" and the Presbyterians were not. The Quakers would have qualified as being "enthusiastical" but did not have a paid ministry.

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### *The Huguenots*

After the revocation of the Edict of Nantes by the French government in 1685, whereby the protection and right of worship previously given to the French Protestants were taken away, the emigration began which, within a brief period of years, carried five hundred thousand Huguenots out of France to new homes elsewhere—to the great and lasting benefit of all the lands into which they came. Some of them fled to England and thence to America even during the reign of Roman Catholic King James, but, after the Revolution of 1688, they came in increasingly large numbers. Brief mentions appear in the Virginia records of charitable funds raised in England under a "brief"

issued by the king,<sup>52</sup> for the care of these foreign Protestants, and doubtless many were helped thereby to come across the ocean to the English colonies in America. Quite a number of the Huguenots, including more than one of their ministers, came singly or in family groups to Virginia in the period from 1685 to 1700. Just at the turn of the century, a movement was started in England to send a large number, consisting of several shiploads of Huguenots to Virginia, give them land and enable them to organize a community of their own. The matter first appears in the records in the form of a letter from the lords commissioners of trade and plantations to the privy council protesting against the location decided upon by the Virginian authorities to be given to the Huguenots and urging that the Huguenots be given land in Norfolk County.<sup>53</sup> That this movement aroused widespread interest in England is shown by the fact that, in addition to money given to help the Huguenots, a shipload of supplies of various kinds was sent to Jamestown for them, which, by the way, the committee of the House directed to be sold and the money applied to the purchase of supplies more needed by emigrants settling on the frontier of a new land.<sup>54</sup> Two silver bowls (for baptismal fonts, perhaps) were sent by the bishop of London to the governor for the use of the Huguenot ministers in their new home.<sup>55</sup> A great deal of interest was aroused in Virginia in the coming of the Huguenots, and plans were quickly formed for their reception and care. Among other things a "brief," (or authoritative subscription list), was issued by the governor and many and generous gifts were made.

The king's letter of March 7, 1699/00 had conveyed to the General Assembly the request of the lords of trade that the Huguenots be settled in Norfolk County and had further directed, as he alone could do, that the usual amount of land given to each immigrant, fifty acres, be given to each one of the Huguenots. Serious objection was expressed, however, to placing them in Norfolk, and the Assembly considered two other locations—one in the county of King and Queen, on the upper reaches of the Pamunkey River<sup>56</sup>—the other a location in Henrico County on the James River west of the falls.<sup>57</sup> In either of these locations, the placing of so large a group of white settlers in a compact settlement would serve as a strong barrier against future attacks of Indians. Finally, the Assembly selected the location on the James River at Manakin Town, so named from the fierce and warlike tribe of Monacan Indians who had formerly made it their home. Quite possibly the thought of protection of the frontier was the strong-



est argument in the minds of the Assembly, but there were other reasons also. It would have been very difficult to secure enough unappropriated land in Norfolk County in one tract to enable the Huguenots to live together in one community and have a church of their own so as to permit them to worship in their own language.

Land lying on both sides of the James River at Manakin Town was given to the Huguenots at the rate of fifty acres per poll<sup>58</sup> and within three or four years 10,000 acres additional was given them.<sup>59</sup> The Assembly set up their territory as a new parish called King William Parish, entirely separate and distinct from the Henrico Parish out of which it was taken. The purpose of this action was to enable the Huguenots to organize their own congregation, elect their own vestry, assess themselves for the support of their own minister and the care of their own poor and be freed from any assessment for the needs of the English-speaking parish all around them. They were authorized to ignore the law requiring a salary of sixteen thousand pounds of tobacco and pay their minister such salary as they could raise.<sup>60</sup> Further provision was made for the naturalizing of the Huguenots as citizens of Virginia<sup>61</sup> and for remitting the public taxes for a period of seven years.<sup>60</sup>

The parish was duly organized and, by common consent or agreement, the liturgy of the Church of England was used in their services.<sup>62</sup> There seems no reason to doubt that they might have retained a dissenting status and held services in their own language if they had so desired, as did the German Lutherans who came into the Shenandoah Valley forty years later. But certainly the Huguenots adopted the wiser course in holding their services in the language of the country in which they expected to make their future home. For the first fourteen years, their ministers were Huguenot clergymen who had come with them, or who came directly from England to Manakintown. These ministers were Rev. Phillipe de Richebourg (1700-10), Rev. Benjamin DeJoux (1700-04), and Rev. Jean Cairon (1710-15).<sup>63</sup> After that the vestry, instead of attempting to pay the salary of another Huguenot minister of their own, arranged with some French-speaking incumbent of a neighboring parish to serve as their pastor and conduct their services. Eventually, and especially as the children grew up using English as their native language instead of French, King William Parish became simply a small parish of the Established Church. There was no theological reason why they should not have done so. Calvinistic in theory, they found enough of Calvinism in the Articles

of the Church of England to satisfy their consciences, and the use of a liturgy was a help rather than a hindrance.

The Journals of the House of Burgesses, and the Executive Journals of the Council, give sad evidence of bitter quarrels and factions in the Huguenot parish—an unhappy picture of charge and counter-charge between differing factions, which were aired before the House or the Council time after time and required more than one committee to visit Manakintown in efforts to still the waters of strife.<sup>64</sup> The quarrels continued for nearly ten years. Finally, in 1710, Governor Spotswood reported to the Council that he had finally settled the controversy.<sup>65</sup> In that same year, their minister, the Rev. Mr. de Richebourg, and a large group of his parishioners left Manakintown and removed to a new home in South Carolina. A stern measure—but perhaps the only way in which the strife could be ended. It seems that both factions could not live together in the same parish and worship in the same congregation. So peace came—and perhaps that is the reason why the congregation was too weak to support a pastor of their own after the death of Mr. Cairon in 1715.

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Apart from the story of the Huguenots themselves, this action of the Assembly of Virginia in welcoming a group of foreign Protestants and giving them a parish of their own is of profound interest as setting a precedent for use when other groups of foreign-speaking people came. In 1713 a group of German people being brought by the Count de Graffenried for employment as miners in a proposed silver mine in the Massanutten Mountain in the Valley of Virginia were thrown upon the public by the financial reverses of that nobleman. Governor Spotswood agreed to receive and care for them. Eventually he gave them work in the development of an iron mine and furnace upon his land on the Rapidan River.<sup>66</sup> The Germans were settled at a place which has ever since borne the name of Germanna. The Assembly did for these Germans what they had done for the Huguenots at Manakintown. A parish ten miles square, called St. George's Parish, was set aside for them so as to free them from all parish taxes except such as they should impose upon themselves.<sup>67</sup>

This effort, however, had a different history from that of King William Parish. The Germans proved to be exceedingly dissatisfied with their situation and, after four years of service in mining and smelting iron, they left in a body and settled in 1719 at Germantown on

the north side of the Rappahannock River, in what later became Fauquier County.<sup>68</sup> From the first, they had their own minister and their own German Reformed worship and never conformed nor were asked to conform to the Anglican Church or to use its liturgy. Other German immigrants came to Germanna in 1717 and 1720, and after serving their indentured time moved to a new home in the Blue Ridge Mountains in the headwaters of the Rapidan River, in what is now Madison County.<sup>69</sup> They established their own Lutheran congregation, taking the name Hebron Church. That church, erected in 1740 and still standing in use, is the oldest Lutheran church in the United States.<sup>70</sup>

No record has ever appeared, and no charge seems ever to have been made, of any effort on the part of either county or colonial government to interfere with them in the organization of their own religious life and worship according to their own forms. Lutheran and Anglican lived together in such amity and friendship that a colonial pastor of Hebron, George Samuel Klug, educated one of his sons for the ministry of the Established Church of Virginia.<sup>71</sup> The same condition of freedom from any effort to require conformity to the Church of England, or to interfere with their right to organize their own churches and have their own ministers under the laws of the day, is true of the other German sects also besides the Lutherans who came into Virginia before the Revolution.

The General Assembly in 1720, in enacting a Bill for the establishment of the two frontier counties of Spotsylvania on the Rappahannock River and Brunswick on the North Carolina line, included a special provision granting to foreign Protestants who might settle in either county freedom for ten years from all parish levies if they should keep and maintain their own ministers.<sup>72</sup> So the precedent was written again into statute law.

Later on, after the successful ending of the French and Indian War had removed the menace of French troops on the Ohio River, the government of Virginia became much interested and made definite efforts to secure "his Majesty's foreign Protestant subjects" the western lands and the streams emptying into the Mississippi River. But that belongs to the story of the Revolutionary period.

## CHAPTER XVIII • NOTES

1. McIlwaine, *Executive Journals Council of Colonial Virginia*, I, 85.
2. *Ibid.*, I, 89.
3. *Ibid.*, I, 98. October 18, 1688.
4. See McIlwaine, *Journal of the House of Burgesses 1659/60-93*, pp. viii-xvii, for the lists of burgesses elected to successive sessions of the Assembly. The name of George Brent does not appear as a burgess to any Assembly either before or after that of 1688. In this Assembly only, in 1688, in which the religious test was not required, was he elected. The king's edict had been abolished before the next election of burgesses. Previous to 1688, however, George Brent had served as attorney general.
5. McIlwaine, *Journal of the House of Burgesses, 1659/60-93*, pp. lvi, 288-91.
6. *Ibid.*, pp. 308, 318. The Quakers were the only Protestant sect in Virginia at that time whose presence in the colony, as far as the law was concerned, was objected to. There were three laws on the statute books in 1688 which served as restraint upon them: the Act prohibiting the Unlawful Assembly of Quakers, adopted in 1663, the Act against Persons that Refuse to have their Children Baptized, adopted in 1662, and the Act Prohibiting the unlawful Disturbances of Divine Worship, adopted in 1680. (See Hening's *Statutes*.)

Quite probably the Act against Persons that Refuse to Baptize their Children would also have been repealed by the House (as it was a few years later) if the governor had not prorogued the Assembly.

7. *Ibid.*, p. lx.
8. *Ibid.*, p. 413.
9. This statement of the attitude of Virginia towards dissenters will doubtless be questioned or denied by many who have been led to believe the stories of general persecution of dissenters whenever and wherever they appeared. Such beliefs have been fostered by writers who found and emphasized particular laws enacted at critical times to meet special and pressing conditions, and who forced the interpretation that these laws were typical of the general and continuous attitude of the people of the colony. One cannot segregate the law forbidding the coming of the Puritans in 1640, and the law forbidding the assembly of Quakers in 1662, and the arrest and imprisonment of Baptist preachers for breaking the civil law in 1770, and build upon them a complete code of laws covering the whole 169 years of the colonial period.  
A full, fair and unbiased study of all the laws of Virginia and all the legislative records now available will, the present author is convinced, bring any impartial student to the conviction that the stories of general persecution in Virginia have been so gross an exaggeration as to give an essentially untrue picture of Virginia life and ideals.
10. This fact, that except when the plantations were distinctly mentioned in the act, the laws of the English Parliament were not in effect in Virginia until they had been approved by the Virginia Assembly, must be clearly understood in all study of the relations of England and America. Quite naturally the majority of the laws and enactments of Parliament, being obviously to the advantage and well-being of the people, were accepted in Virginia without question as being as much to the advantage of Virginia as of England. But in



every enactment in which a question might arise of difference of opinion as to the value or the hurtfulness of the enactment to the people of the colony, the Assembly itself must decide as to the observance or non-observance.

It must be recognized, also, that the great influence which the privy council and Parliament exercised in Virginia was due to the fact that the authority of the General Assembly of Virginia extended only to the low-water mark on the Atlantic coast, while the authority of England was supreme upon every ship that flew the English flag. Virginia, for example, never accepted the Navigation Acts of the reign of Charles Second as part of the law of the colony. But Virginia was powerless to resist them because, in addition to the fact that the plantations were mentioned in the Act itself, England had almost complete control of the carrying trade and could and did declare the terms upon which Virginian products might be carried in English bottoms. The whole welfare of the colony was dependent upon getting its tobacco to market; and, while as much tobacco as possible was smuggled out in foreign bottoms to Scotland or continental ports, the amount so disposed of was too small a proportion of the whole crop to render the planters independent of the English ships and the English market. The Act of Union of England and Scotland in 1707, which brought Scotland under the laws of the combined Parliament of England and Scotland, and thereby stopped the smuggling through Glasgow, was a hard blow to Virginia.

In a letter from the Board of Trade to Governor Nicholson, dated January 4, 1699/1700 (see *Public Record Office, C.O.S. #1359 1700 368*) the following passage occurs:

"We have been surprised by your Minutes of Councill of the 10th December, 1698, that you have appointed one to be Clerk of the said Councill who owned to us at our Board that he had carried a ship's lading of Tobacco from Virginia directly to Scotland."

(A notation at the side of the letter: "But ye constituting Mr. Harrison clerk of ye Council [who had traded illegally to Scotland] is surprising.")

One may picture the solemn looks of the gentlemen of the Council as this rebuke was read to them and the little smiles hidden behind covering hands as they looked at each other—when the governor was not looking at them. The Honorable Colonel Benjamin Harrison of Wakefield was not the only one who found it profitable to do a bit of smuggling to Glasgow. See Governor Alexander Spotswood's letters in 1710-11 telling of his concern over the illicit trade to the West Indies. *Spotswood Letters*, Vol. I, Table of Contents, Index.

For the same reason, the power of the lords of trade and the plantations, later the board of trade, was based upon England's control of the maritime trade. Virginia was perforce compelled to accept the rulings of that board if goods were either to be exported or imported in quantity sufficient for her needs.

11. That the time had not yet come for any special loosening of the laws against Roman Catholics was shown very strikingly even in Stafford County, where George Brent had been elected a Burgess. Within less than two years of his election, the whole of the Northern Neck was thrown into riotous tumult through the story originating in Stafford of the purpose of the Maryland "papists" to combine with the Indians and overrun Virginia. See *supra*, Chap. XVII, p. 237.
12. For the terms of the Toleration Act see *supra*, Chapter XVI, p. 210.

13. McIlwaine, *Journal House of Burgesses* for October 16, 1693, p. 455.
14. McIlwaine, *Journals of Council*, I, 515.
15. *Ibid.*, *Journals of Council*, I, 176. This order was issued May 15, 1691.
16. Perry, *Papers Relating to the History of the Church in Virginia*, p. 370. For the various enactments of the law see Henning's *Statutes*, III: 170-71; 360; IV: 245; V: 225.
17. McIlwaine, *Executive Journals of Council*, I, 160-61, February 20, 1690/91.
18. *Ibid.*, I, 41. January 15, 1690/91.
19. McIlwaine, *Journal House of Burgesses*, March 10, 1692/93, p. 433.
20. *Ibid.*, *Executive Journals of Council*, I, 441. May 30, 1699.
21. *Ibid.*, *Executive Journals of Council*, I, 456. June 21, 1699. Again, also, in 1711, when Governor Spotswood was exerting herculean efforts to put the colony into a state of defense against an anticipated attack of the French fleet by erecting forts and other lines of defense along the four main rivers, the Quakers refused point blank either to work themselves on any fortifications or to permit their servants to work, and declined to give or sell any sort of provisions for military purposes. The Governor reported that, On account of the attitude of the Quakers, the Governor added: "I have thought it necessary to put the Laws of this country in execution against them." See his letter to Lord Dartmouth of October 15, 1711, in *Official Letters of Alexander Spotswood*, Vol. I, p. 120.
22. See the *Journal of Thomas Story* for the period mentioned, pp. 153-67 and 375-431.
23. Lynnhaven Parish at that time was in Lower Norfolk County. In 1691 that parish was formed into the new county of Princess Anne.
24. Goodwin, *Colonial Church in Virginia*, p. 299. See, also, the references there given, especially "*In the Days of Makemie*," p. 111.
25. I. Mitchell Page, *The Life Story of Francis Makemie*, p. 64.
26. *Ibid.*, pp. 70-71. Both of these letters, according to the custom of the times, gave "Elizabeth River" as the writer's address. The Eastern Branch of Elizabeth River extends through a section of Norfolk County into Princess Anne County, and it was the shipping point as well as the receiving address for dwellers in the western section of Princess Anne as well as the adjoining section of Norfolk County.
27. *Ibid.*, *passim*.
28. McIlwaine, *Executive Journals of the Council*, I, 427, under date of April 29, 1699.
29. After receiving this reply from the Council, Makemie applied to the county court of Accomack County, asking that his own dwelling house at Pokomoke and a house belonging to him at Onancock be recorded as his preaching places. The court on October 15, 1699, ordered that he be recorded as a dissenting minister and the places mentioned be registered as preaching places. See *Accomack County Court Orders* under the date mentioned. Also, the Rev. Dr. Thomas Cary Johnson's "*Virginia Presbyterianism and Religious Liberty*," pp. 16-17; also p. 25, as showing the date of Makemie's death. For a sketch of Makemie, see Sprague, *Annals of the American Pulpit*, Vol. III, pp. 2-6.

Also Torrence, "Old Somerset," pp. 216 *et seq.*; also I. Mitchell Page, *The Life Story of Makemie*.

30. Sprague, *Annals of the American Pulpit*, III, 6, *et seq.* The oaths which Josias Mackie took are quoted with considerable fullness, although Sprague is in error in stating that Mackie "renounced papist beliefs," as if he had previously been a Roman Catholic priest who was renouncing that faith to become a Protestant. Mackie was simply taking the oath required of every official in Virginia.
31. The following statement is taken from a report prepared by the justices of the peace of Princess Anne County on October 4, 1699, in obedience to an order of the Council.

"1st. There are in the County only two meetings for Religious Worship besides the Church of England as by law Established, one of which is kept at a house in the eastern branch of Elizabeth River on the land (which) belongs to Mr. Thomas Ivy, Certified for a place of Religious Worship to his Majties Justices for Norfolk County (which, at that time, before the last division of the Counties, was in Norfolk at a Court held the 15th August, 1692, and recorded as appears from the Records of the said County), the other at a meeting house upon the Eastern Shoar of Lyndhaven River on the land belonging to Edward Cooper being certified to his Majties Justices of this country as a place of Religious Worship at a Court held the 6th day of Septemb<sup>r</sup>, 1693, and Recorded in the Records of the said County.

"3rd. The Preacher of the said places is Mr. Josias Mackie a presbyterian minister non conforming in part (*vizt*) as to Rites and Ceremonies, who since his coming into these parts hath formerly with the Allowance of his Lordship Francis of Effingham, his Majties and Lt Governor of Virginia been Entertained and officiated as minister of the Gospel in Elizabeth River Parish until such time as his present Excellency Francis Nicholson Esq<sup>re</sup> then Lt Governor was pleased to discharge him by Order, who since as appears from the Records of Norfolk County bearing date 1692 under the hand of Mr. Will Posten cl<sup>ur</sup> hath fulfilled the law for Indulgence Exempting his Majties protestant subjects from penalties of certaine laws." (The above is copied from *William and Mary Quarterly Magazine*, 1st Series, Vol. II, pp. 179-80.) Francis Howard, Lord Howard of Effingham, was appointed governor of Virginia in April, 1684. He left Virginia in October, 1688, although he continued as absentee governor until the removal of Col. Francis Nicholson as lieutenant-governor at the end of his first administration in 1692. The permission given by him to Makemie and Andrew Jackson as Presbyterian ministers to hold the incumbency of parishes of the Established Church could only have been given while he was in residence, i.e., before he left Virginia in 1688."

32. Sprague, *op. cit.*, III, 6.
33. McIlwaine, *Executive Journals of the Council*, I, 176. See, also, *supra*, Chapter XVII, p. 233.
34. See Appendix VIII, the report of the vestry of Christ Church Parish, Lancaster County, to the governor.
35. See Note 31 above. Rev. Dr. J. R. Graham, in his *Planting of the Presbyterian Church in Northern Virginia*, p. 8, mentions "one small congregation on Elizabeth River," but a pastoral field, which included three preaching points in two counties, could hardly be described in that way. See, also, mention of the

Presbyterians in that section by Governor Spotswood in his letter to the bishop of London of October 24, 1710. *Letters of Alexander Spotswood*, I, 26-27.

36. Sprague, *op. cit.*, III, 6, *et seq.* The three clergymen mentioned in his will, John Henry, John Hampton and George Macknesse (or McNish) were Presbyterian ministers from Ireland. Mr. Henry came to Maryland in 1709 as successor to Makemie in the pastorate of Rehoboth Church, which was near enough the Virginia line to include members living in Virginia. He died in 1717. Mr. Hampton and Mr. Macknesse came with Makemie when he returned from Ireland in 1704 or early 1705. Mr. Hampton became pastor of the Presbyterian congregations of Snow Hill and Buckingham, in 1707, and Mr. Macknesse became pastor of Manokin and Wicomico Churches. All three of these ministers lived on the Eastern Shore of Maryland. See footnotes in Sprague's article on Josias Mackie for notes on the above clergymen. See also I. Marshall Page, *op. cit.*
37. Sprague, *op. cit.*, III, 3 and 6. See sketches of Makemie and Mackie.
38. Dr. J. R. Graham, *op. cit.*, p. 7. The entry of the Philadelphia Synod is copied.
39. *Ibid.*, p. 7.
40. Dr. Graham, (*Op. cit.*, pp. 8-15) expresses the belief that "Potomake" was situated at or near the present Shepherdstown in West Virginia, near the confluence of the Shenandoah and Potomac Rivers. His book was published in 1904, before the court records of King George and Westmoreland Counties showing the existence of Presbyterians in that section were made available to students. These court records present facts which seem conclusive.
41. Confusion has sometimes arisen between "Potomake" and "Pokomoke." "Potomake" was an early spelling of "Potomac" while "Pokomoke," where the three ministers mentioned in Josias Mackie's will lived, was on the Eastern Shore of Maryland.
42. See *King George County Court Orders*, Book I, p. 33, under date of January 5, 1721/22.
43. This extract from Westmoreland Court Records for 1717 is quoted by Miss Lucy Brown Beale of Westmoreland County in an article, "The Struggle for Religious Liberty in Westmoreland County," published in the *Northern Neck News of Warsaw*, Virginia, September 6, 1935.
44. McIlwaine, *Executive Journals of the Council*, IV, 65, 81, 86.
45. *Journal of Thomas Story*, p. 165.
46. Rev. J. P. Little, *Imprisoned Preachers and Religious Liberty, in Virginia*, pp. 14-15. He quotes Semple's *Rise and Progress of the Baptists in Virginia*, p. 344, and Newman's *History of the Baptist Church in the United States*, p. 230.
47. Little, *op. cit.*, p. 15.
48. *Ibid.*, p. 16.
49. For account of the Churches in the Ketoctin Association, see Semple, *Rise and Progress of the Baptists in Virginia*, Revised edition,, pp. 388 *et seq.*, and Little, *op. cit.*, pp. 20-31.
50. Perry, *Papers Relating to the History of the Church in Virginia*, pp. 246-47.
51. These Land-grants are in the Land Office of the Commonwealth of Virginia, in Richmond. Hanover Parish, when formed in 1713, was in Richmond Coun-



ty, but went into the new county of King George in 1720. The particular locality in which the deeds mentioned conveyed land was included in Prince William County in 1730 and in Fauquier County in 1759.

52. Perry, *op. cit.*, p. 114.
53. *Ibid.*, pp. 113-14. The date of this letter is March 7, 1699/1700.
54. McIlwaine, *Journal of the House of Burgesses*, 1702-10, p. 61, under date of May 1, 1704.
55. McIlwaine, *Executive Journals of Council*, II, 178-79. August 12, 1701.
56. McIlwaine, *Journals of the House of Burgesses*, 1695-1702, p. 218. December 17, 1700.
57. The *Journals of the House of Burgesses* carry many mentions of details of settling the Huguenots. See entries beginning in December, 1700, as shown in the index.
58. *Ibid.*, pp. 353, 357, under dates of May 21 and 23, 1702. The land to be given was ordered "to be ascertained according to his Majesty's letter dated at Kensington March 18, 1699." See Perry, Virginia Volume, p. 114, for the King's direction written in that letter, "granting them such tracts of land as usual to New Comers." The law of Virginia was "That all and every person, male or female imported and coming into this colony and dominion free has a right to fifty acres of land. See Hening, III, 304.
59. McIlwaine, *Executive Journals of the Council*, II, 369. May 11, 1704.
60. Hening, *Statutes*, III, 478-79. Act of October, 1705. This provision as to salary did not appear in the first Act by which the parish was formed in December, 1700. See Hening, III, 201. This Act establishing the parish exempted the Huguenots from the payment of public and county levies for seven years.
61. *Journal House of Burgesses*, 1702-12, p. xxiii. *Executive Journals of Council*, II, 360, April 27, 1704.
62. *Executive Journals of Council*, II, 261. July 2, 1702.  

"His Excellency was pleased to recommend to Mr. Commissary Blair to take care that the French ministers of Manakintown conform themselves to the liturgy of the Church of England, being he had been informed they do not." P. 269, August 17, 1702. "Mr. Commissary Blair reported he had written Mr. DeJoux French minister at Manakintown and made inquiry of several others also, and Mr. DeJoux had written the Commissary and positively affirmed that he constantly every Lord's day reads the Service of the Church of England, and administers the Sacrament as by the Liturgy is directed." The King, in his instruction of March 7, 1699/1700 had included the erection of a Church and the necessary Bibles, common Prayer Books and other books of devotion. See Perry, *op. cit.*, p. 114. The understanding that they would use the Anglican Liturgy seems to have been made in England.
63. See Goodwin, *Colonial Church in Virginia*, Biographical List of Clergy under the respective names.
64. See *Journals of the House of Burgesses* and the *Executive Journals of the Council*, beginning in December, 1700. The references are so frequent that the index should be consulted.

65. *Executive Journals of the Council*, III, 225, 251, 252. The final report was made on October 10, 1710.
66. Fairfax Harrison, *Landmarks of Old Prince William*, Vol. I, pp. 207 *et seq.* See, also, McIlwaine, *Executive Journals of Council*, III, p. 371. April 28, 1714: *Spotswood Letters*, II, 70.
67. The Act of 1714 establishing this parish for the Germans is not given in Henning's *Statutes* but is given in full in Nicholas Trott's *Laws of the British Plantations in America Relating to the Church and the Clergy, Religion and Learning*. Published in London in 1721. Copious extracts from this Act are given by the Rev. E. L. Goodwin, D.D., in his report as Historiographer to the Annual Council of the Diocese of Virginia in 1911. See *Journal of the Council of the Diocese of Virginia in 1911*, pp. 54-55. See, also, Harrison, *Landmarks of Old Prince William*, I, 209, and footnote 10 on p. 218.

The matter was first introduced into the General Assembly by Governor Spotswood on November 16, 1714: "For, as . . . I have begun a settlement of Protestant Strangers several miles without our inhabitants, more of their country folks might be induced to come over and join them if they hear that these meet with a favorable reception, (and sure as they are of the same nation with our present sovereign they are as fit to be recommended to your benevolence as the French refugees of the Manican Towne formerly were.) (*Journal House of Burgesses*, November 16, 1714) To which the House of Burgesses made reply: "We heartily receive the German Protestants into our country and as a mark of our good disposition towards them have cheerfully given them an immunity from taxes for several years. If any more of that nation and religion shall find occasion to settle with them, we question not, they will meet with a reception and encouragement suitable to their condition." (*Journal House of Burgesses*, November 24, 1714) This Act, which, in addition to remitting the taxes, created the Parish of St. George for them, was adopted in December, 1714. See *Journal of the House of Burgesses* for December 14 and 18, 1714.

68. Fairfax Harrison, *op. cit.*, I, 212.
69. *Obid.*, I, 215, and footnote 33 on p. 220; Rev. William J. Finck, D.D., *Lutheran Landmarks*, pp. 80 *et seq.*
70. William J. Finck, *Lutheran Landmarks*, p. 80.
71. *Records of (Lutheran) Ministerium of Pennsylvania*, p. 102. This son, the Rev. Samuel Klug, was rector of Christ Church Parish in Middlesex County from 1769 to 1795. He was the chairman of the Middlesex County Committee of Safety, 1774-76.
72. This Act appears in partial form in Henning's *Statutes*, Vol. IV, p. 299. See a description of the Act by the Rev. Dr. Goodwin in his Historiographer's Report in 1923, *Council Journal of the Diocese of Virginia for 1923*, pp. 38-40.

A photostat copy of the original Act is deposited in the Virginia Diocesan Library.

The foreign-speaking Protestants soon began to take advantage of the privilege given them. The first group to come seem to have been a company of Germans who came in 1726 and settled at Massanutten at the foot of Newmarket Gap in the Massanutten Mountain; which, at that date, was in Spotsylvania County but is now in Page County, west of Luray. See Harry M. Strickler, "*Massanutten Settled by the Pennsylvania Pilgrim, 1726*," pp. 5-6. Published by the author at Harrisonburg, Virginia, in 1900.

# James Blair, Commissary

## PART ONE—*The President of the College*

THE history of the Church in Virginia, over a period of fifty-three years, during which he served as the commissary of the bishop of London, is dominated by the life and influence of one man—James Blair. From one standpoint, as the founder and for fifty years the president of the Royal College of William and Mary, he deserves the great and undying gratitude of later generations; from another, as regards the welfare of the Church at large throughout the colony, his service of fifty-three years in the office of commissary reveals evidence of so great weakness as to make his career in that capacity a tragic failure.

The period from 1689 to 1714 was marked by a grouping of conditions favorable to the growth and development of the Church and the strengthening of the cause of religion in Virginia such as never had occurred before and did not occur again. For the first, and indeed the only time, in the colonial period, the English sovereigns showed genuine interest in the care and nurture of religion in America. Queen Mary and Queen Anne, the two daughters of King James Second, had been reared in staunch Protestant surroundings and were devout Christian women, whereas their half-brother, James, the prince of Wales, was a Roman Catholic, and went with his father into exile. It was due to the interest and influence of Queen Mary that Commissary Blair was eventually able to secure the attention of King William and his approval of the plan to establish a college in Virginia.<sup>1</sup> She showed her further interest by proposing to give a large part of the quit-rents arising from the lands in Virginia to augment the salaries of the clergy in addition to the gifts already made for the establishment and support of the college,<sup>2</sup> although due to causes beyond her control this later plan failed of realization. Her husband also, King William, on more than one occasion exhibited a genuine interest in the improvement of moral and spiritual conditions in the colony.

Queen Anne, who reigned from 1702 until 1714 is still gratefully remembered throughout America because of her interest in religion and her gifts to churches and religious causes. Virginia has commemorated her by giving her name to a county, a parish, and five rivers;<sup>3</sup> and one of our commonest wild flowers is still Queen Anne's lace.

Another favorable element, as far as civil authority was concerned, was the character of the men appointed as lieutenant-governors resident executives of the colony throughout the whole period of the commissary's life. In spite of the charges made by Blair in the heat of conflict and recrimination, Sir Edmund Andros and Col. Francis Nicholson, notwithstanding weaknesses of human frailty, rank high among the whole group of American colonial governors. It is not fair to judge either of them solely by *ex-parte* statements made by an antagonist in the heat of passion.<sup>4</sup> Indeed, the whole list of governors who ruled Virginia from 1690 to 1743, Nicholson, Andros, Nott, Spotswood, Drysdale and Gooch, constituted a group of executives who, for genuine desire to serve the best interests and true welfare of Virginia, would be difficult to surpass in any other colony. Two of them at least, Nicholson and Spotswood, received the honor of election to membership in the Society for the Propagation of the Gospel in appreciation of their genuine interest in the Church and its extension in America.

As regards ecclesiastical conditions, what has already been said may be repeated, that there was at last a bishop in the see of London who had not only manifested interest but had devised and put into effect definite and very important ways of helping the cause of religion in the colonies through more careful selection and supervision of the clergy who were sent to America. And, as has also been stated, the establishment of the two Societies, the Society for the Propagation of Christian Knowledge and the Society for the Propagation of the Gospel in Foreign Parts, developed and gave voice and action to a mounting interest in missions and Church extension on the other side of the Atlantic Ocean.<sup>5</sup>

By putting all of these factors together into their due relationship, one forms a mental picture of the stars working together in their courses to set forward the growth of the Church. The times produced a sovereign and a governor, a bishop and his commissary, all of whom were desirous of doing their best for the moral and spiritual welfare of Virginia, and a people who remembered the wretched conditions of the past and desired better organization, the correction of abuses and strengthening of morale. Out of these conditions there should



have come a development and growth, a centralizing and strengthening of scattered organization, and an *esprit de corps* of the clergy as a body that, even if they had not resulted in securing a bishop and the proper organization of the Church as a diocese in the province of Canterbury, should have placed it in a position of sufficient strength to have carried it onward by its own momentum and have brought it safely through the devastating experiences of the post-revolutionary era.

The failure to secure this stronger position was the result of the failure of one man to perceive wherein lay the true strength and power of his position as commissary. And that failure was one of the greatest tragedies that befell the Church, not only in Virginia, but in the other American colonies as well, in the colonial period.<sup>6</sup> The Church had her day of opportunity—and lost it.

The available data concerning the birth, education and ecclesiastical affiliation of James Blair are to be found in three very brief items:

- a. The record of him in *Fasti Academiae Marischellanae*.
- b. The record of him in *Fasti Ecclesiae Scoticae*.
- c. The certificate given him by John Wishart, bishop of Edinburgh in the year 1684.

"*Fasti Academiae Marischellanae*," which is a list of students of Marischal College (now combined with King's College) in Aberdeen, contains the entry that "Jacobus Blair, son of Mr. Robert Blair, minister of Alvah in the presbytery of Turriff in the synod of Aberdeen" was a pupil at Marischal College and held the Crombie Scholarship during the two years, 1667-69.<sup>7</sup>

"*Fasti Ecclesiae Scoticae*," which is a list or succession of ministers in the Church of Scotland after the Reformation, contains the following record:<sup>8</sup>

"Cranstoun.

"James Blair, born probably in Edinburgh in 1656, educated at Edinburgh University, M.A. 21st July, 1673: Presented by Robert, Viscount Oxfuird; ordained after 19th June and admitted and instituted, 11th July, 1679; deprived in 1681 for not taking the Test. He removed to England and was sent in 1685 by Henry bishop of London as a missionary to Virginia."

The certificate of John Wishart, Bishop of Edinburgh, is as follows:

"To all concerned: These are to certify & declare, that the bearer hereof, Mr. Jas. Blair, Presbyter, did officiate in Cranston, in my diocese of

Edinburgh for several years preceding the year 1682, with exemplary diligence, care and gravity & did in all the course of his Ministry, behave himself Loyally, Peaceably & Canonically, & that this is a truth I certify by these presents; Written & Subscribed with my own hand, the 19th day of Augt, in the year 1684.

JO. EDINBURGH."<sup>9</sup>

From the above data, as projected upon the background of the history of the times in Scotland, the following picture emerges:

James Blair was born, probably in Edinburgh, in the year 1656, just as the period of the Commonwealth was drawing to its close. He was the son of the Rev. Robert Blair, a minister of the Church of Scotland. During his childhood his father was the minister of Alvah in the presbytery of Turriff in the synod of Aberdeen, and the young boy was sent to Marischal College in Aberdeen. He held the Crombie, a scholarship in Greek, at the college for two years, while he was between eleven and thirteen years of age. About the age of fourteen, in 1670, he matriculated at the University of Edinburgh, from which he received his master's degree on July 21, 1673, being about seventeen years of age.

There seems to be a gap of about six years until the year 1679, when Robert, viscount of Oxfuird, the owner of the advowson of the parish of Cranston in the diocese of Edinburgh, presented the young man to the bishop of Edinburgh for ordination and admission to the pastoral charge of that parish. James Blair was then—between the dates of June 19 and July 11, 1679—ordained, admitted and instituted into the charge of the parish. There seems to be no reason to doubt that he was ordained by the bishop of Edinburgh, the Rt. Rev. John Wishart. He held the charge of the parish for a little over two years when he fell afoul of a test oath enacted by the Scottish Parliament, which the young minister refused to take and was consequently "deprived" or ejected from his parish.

It must be clearly understood that, although in his later years, James Blair declared, and truly, that he had received episcopal ordination, this did not mean that he was ordained as a minister of an Episcopal Church distinct and separate from the (Presbyterian) Church of Scotland because, at that time, there was no Episcopal Church in Scotland as an organization different from the Established Church of Scotland. John Wishart, who ordained him, had received his consecration as bishop from bishops of the Anglican Church, but he was consecrated to be a bishop of the Church of Scotland and not of the

Church of England, and the parish of Cranston which James Blair served was a parish of the Church of Scotland.

When Charles Second was restored to the throne in 1660, he repeated his father's error of forcing the Church of Scotland to receive bishops, but he made no effort to compel the use of the Prayer Book in that country. He was able to secure the necessary legislation from the Scottish Parliament and, during his whole reign, the unlovely spectacle was shown in Scotland of the Church of Scotland continuing to carry on its own Presbyterian forms of worship and conducting the lesser ecclesiastical affairs according to its own ways, but under the incubus of a bishop of alien ordination sitting in the seat of authority in every diocese and moderator, as it were, *ex officio* in the higher courts of the Church and in the matter of ordinations. The situation was further complicated by the fact that an appreciable number of clergymen and large numbers of laymen in the Church of Scotland preferred the Anglican forms, so that the counsels of the Church were badly divided.<sup>10</sup> Whether James Blair was one of the clergy who leaned toward episcopacy cannot be definitely affirmed, although very probably he did so lean. But the actual fact was that he was a minister of the Church of Scotland even though he had been ordained by a bishop. This fact will, perhaps, explain Commissary Blair's unwillingness to give too much detail about his ordination to the convention of 1719, when Governor Spotswood was thirsting for his blood.

James, duke of York, and heir apparent to the throne, was appointed the commissioner of King Charles in Scotland in 1681 and entered upon that office with the manifest intention of strengthening his position as heir-apparent and his prospects of succeeding his brother upon the throne of the two countries. He secured the passage through the Scottish Parliament in 1681 of two acts bearing upon that matter. The first of these assured his right to ascend the throne upon the death of his brother, notwithstanding his change of religion to the Roman Catholic faith. The second was a test oath which every public official ecclesiastical or lay was required to take, in which the signer declared his acceptance of the Protestant faith as stated in the Confession of Faith of the Church of Scotland and, at the same time, acknowledged the king to be supreme in all matters both in church and state.<sup>11</sup>

The purpose of this test oath was to place in his hands, when he became king, the legal authority to force the Roman Catholic Church back into a position of power and influence, but the absurdity of its provisions, which made the test a rather gruesome laughing-stock in

many quarters, was that it placed the king's authority decidedly above that of Almighty God in matters of faith and ecclesiastical government.<sup>12</sup> Many officials, both civil and ecclesiastical, declined to take the oath and were consequently removed from their offices. Among the ministers who refused to take it were about eighty who were classed as being episcopally-minded.<sup>13</sup>

James Blair was one of the clergymen who refused to take the oath and in due time found himself officially deprived of his parish. So it was that the young minister, being out of a job, and seeing little prospect of another cure in his native land, took the road which, according to Dr. Samuel Johnson, was "the most beautiful view that ever appeared to the eyes of a Scotchman"—the road to London. Arriving in that city he secured a position in secular life as a clerk in the office of the master of the rolls.<sup>14</sup> He remained in London for three years.

Judging by the strong influence which Commissary Blair exerted in later years in political and governmental circles in England, as shown by his success in securing the recall of three governors, and his own reinstatement twice as a member of the Council of State of Virginia after the members of that body had twice suspended him, it would seem that he used these three years in London to very great and lasting advantage in getting acquainted with and winning the firm friendship of people of importance in public life. His appointment to the particular job which opened to him when he came to London served in a very remarkable way to increase his usefulness in later years.

One may wonder why it was that a man of such ability as he was later shown to possess, and with such ability to make friends, should have been compelled to take secular employment instead of an ecclesiastical benefice. There seems to be no answer to that question unless it was that, being a minister of the Church of Scotland, even though ordained by a bishop in the Anglican line, he was ineligible to hold a clerical position in the Church of England.<sup>15</sup> Instead of questioning, however, one would prefer to think of him as being trained in a providential way for the field he was to occupy in due time.

Certain it is, also, that, during these years, he was brought to the attention of the bishop of London and, through that acquaintance and the impression formed by the bishop of his character and ability, came the offer and the opportunity to go to Virginia with the bishop's license to hold a parish in that colony. So he came in 1685 to the land of his great and abiding success—and his great failure.



The living to which he was called upon his arrival in Virginia was the rectorship of the remote parish of Varina, or Henrico, which covered the whole territory of the widely extended and sparsely populated frontier county of Henrico. Although the power of the Indians in the James River valley above the falls had been seriously broken at the time of Bacon's Rebellion in 1676, that territory, west of the present city of Richmond, was still considered unsafe for settlement because of its proximity to undisputed Indian hunting grounds and the Indian thoroughfare of the Iroquois Trail.<sup>16</sup> It was the territory in which, fifteen years later, the Huguenots were given land that they might serve as a barrier against Indian encroachment.<sup>17</sup>

His parish consisted of the usual fringe of plantations and smaller farms lying on or adjacent to the James River shore on both sides. The main Church building in the parish, if not the only one at that time, was situated at Varina on the north shore of the river, where was located also the county court house and the jail. His glebe farm and residence were in close proximity to the church. As the river was the main highway, the church was near the river bank for the convenience of those who came to church by boat.

Here it was that Blair came into contact at first hand with the rawness of frontier life and saw the problems and difficulties under which the Church labored; and here he dreamed his dreams of the best way to strengthen and coordinate the spiritual and educational needs of the colony. While here he married, in 1687, Sarah, the daughter of Colonel Benjamin Harrison, of Wakefield in Surry County. This connection threw him into intimate contact with the group of influential families around Jamestown and served to give him a clearer understanding of the colony and its needs from the point of view of the group of families which even then were becoming prominent in Virginia's political and governmental life. Although he had been in the colony for four years only when the bishop of London announced his appointment as commissary it would have been hard to find a man better fitted for that position both by experience of frontier conditions and by contacts and connections with people of influence at the seats of government in Jamestown and London.

Blair's commission as commissary was issued by the bishop of London December 15, 1689, and was evidently brought by Col. Francis Nicholson when he came to Virginia as the new lieutenant-governor in the spring of 1690.<sup>18</sup> This commission was as follows:<sup>19</sup>

"HENRY, by Divine permission Bishop of London, to all the faithful in Christ to whom this present Writing may come. Greeting eternal in the Lord.

"Know ye that we, the Bishop of London aforesaid, to whom every ecclesiastical jurisdiction, and in every way, under Virginia situated in America, by Royal Constitutions is generally recognized to pertain, (except the power of granting licenses for celebrating marriages, probating wills of deceased persons and conferring benefices), have named, made and constituted, and by these presents do name, make and constitute, James Blaire, Clerk, our Commissary in and throughout all Virginia aforesaid, trusting very greatly his learning, probity and industry, with all and every power of carrying out and performing, (previous exceptions excepted), whatever pertains and belongs, or ought to pertain and belong, to the office of our Commissary aforesaid, by law or custom according to the laws, canons and constitutions followed and observed, in the Church of England; with power moreover to set one or more clerk or clerks as substitute or substitutes in his place.

"In confidence and in testimony of all and singular of which premises we have caused our Episcopal Seal to be placed upon these presents.

"Given on the fifteenth day of the month of December in the year of our Lord, 1689, and in the twenty-fourth year of our Translation.

H. LONDON."

Immediately upon the receipt of his commission, the new commissary seems to have called a convention of the clergy of the colony. One must infer that this was done after consultation with Governor Nicholson, and quite probably the two worked together in formulating the plan which was adopted at that convention. Certainly Col. Nicholson showed later that he approved it. This convention was held in Jamestown on July 23, 1690, and in its possibilities was the most momentous ecclesiastical meeting that was ever held in Virginia during the colonial period. There is, as far as is known, no record of the clergy who attended, nor any minutes of their meetings. Besides an address to the bishop of London, they took action in two important matters only. One was a resolution of appeal for help in the establishment of a college in Virginia. The other was the approval of a plan proposed by the commissary to begin the reform of abuses in the Church in Virginia by the organization of an ecclesiastical jurisdiction and the establishment of a series of ecclesiastical courts for the trial of both clerical and lay offenders against the moral law.

It would seem quite evident that both Blair and the other clergy present laid a greater emphasis upon the wording of the commissary's

commission than perhaps the bishop intended. They understood the commission to declare that all ecclesiastical jurisdiction of every kind in Virginia except certain listed privileges belonged to the bishop of London, and that he was appointing James Blair as his commissary with the right to exercise every power of every kind which a commissary could exercise under the laws, canons and constitutions of the Church of England. If that were true, the commissary could do everything in Virginia that a bishop of London could do in his diocese except ordain and confirm. If such an interpretation could have stood and have been generally accepted, Blair, if he so desired, might have taken a position of leadership and authority in the Church in Virginia that would have rallied both clergy and laity around himself. In that case, there would seem to be no question but that, in a few years, a diocese would necessarily have been established and a bishop consecrated for Virginia.

It is typical of the man, as he faced the manifold problems of the Church in the colony, and its totally unorganized state, that he chose to make use of the mailed fist and the threat of courts for the trial and punishment of both clerical and lay sinners and also of dissenters. Unquestionably, there was much laxity of life and disregard of moral standards. This would seem to be inevitable in that as in every other new and raw land. But what the Church of Virginia needed above everything else was a savior rather than a judge—an organizer who could lead and influence through friendship and affection rather than an autocrat who could only drive.

The proclamation issued by Commissary Blair immediately after the close of the convention of clergy is as follows:<sup>20</sup>

“Order of the Meeting of the Clergy Touching the Ecclesiastical Jurisdiction.

“At a General Meeting of the Clergy of Virginia held for the R. Rev<sup>d</sup> Father in God Henry Lord B<sup>p</sup> of London at James City Jul. 23, 1690.

“An Order for the more convenient Execution of Ecclesiastical discipline.

“Whereas the Right Rev<sup>d</sup> Father in God Lord B<sup>p</sup> of London taking into his consideration the great contempt of Religion and dissoluteness of life & manners which are too visible, within this Colony of Virginia to the dishonour of God, reproach of the Church & the Scandal of all good men, And being willing & desirous as far as lyes within his power to make use of his Episcopal Authority for remedy and redress of the same, has commanded the Ecclesiastical Jurisdiction to be impartially executed



in order to a speedy Reformation of the lives of both Clergy and Laity within this Colony; and for this end has by a publick instrument under his hand and Episcopal Seal nominated and appointed me James Blair his Commissary within the Dominion and Colony forsd, as the sd Instrument bearing date the 15th day of Dec<sup>r</sup> in the year of our Lord 1689 doth more largely contain and express: Now know ye y<sup>t</sup> I the sd James Blair by virtue of the forsd Commission do in the name of the Right Rev<sup>d</sup> Father in God Henry Lord Bishop of London and with the Advice of the Clergy of this Colony at their General Meeting forsd, Certify to all persons Concerned y<sup>t</sup> I intend to revive and put in execution the Ecclesiastical laws against all cursers Swearers & blasphemers, all whoremongers fornicators and Adulterers, all drunkards ranters and profaners of the Lords day and Contemners of the Sacraments, and ag<sup>t</sup> all other Scandalous persons, whether of the Clergy or Laity within this dominion and Colony of Virginia. And for the more convenient execution of the sd design, according to another part of the power and authority comitted to me by an express Article in the foresd Commission for nominating of Substitutes in the several precincts of the sd Colony, to the end y<sup>t</sup> due Information may be had of the sev<sup>ll</sup> Scandals, and y<sup>t</sup> more convenient proofs may be brought, and y<sup>t</sup> the great burden of the work may be lightened by being divided among several persons with the consent and advice of the Clergy at their General Meeting I have nominated and appointed, like as by these prnts I do nominat and appoint the persons following Ministers of the gospel in the several precincts hereafter mentioned my Substituts and Surrogats viz. the Rev<sup>d</sup> M<sup>r</sup> Patrick Smith my Substitute & Surrogat in and thorough all that part of this Colony lying and being on the South Side of James River; as also the Rev<sup>d</sup> M<sup>r</sup> Samuel Eburne my Substitute and Surrogat in and thorough all that part of this Colony lying and being betwixt James River on the Southside and the Rivers of York and Matapony on the North; As also the Rev<sup>d</sup> M<sup>r</sup> Dewel Pead my Substitute and Surrogat in and thorough all that part of this Colony lying & being betwixt the River of York and Matapony on the South, and the River of Rappahannock on the North; as also the Rev<sup>d</sup> M<sup>r</sup> John Farnifold my Substitut and Surrogat in and thorough all that part of this Colony lying and being betwixt the Rivers of Rappahannock on the South and Potomock on the North. And the Counties of Accomack and North Hamptoun being as yet unprovided of a sufficient number of Ministers to constitute a district meeting, it is therefore thought fit for the present to adjoyn y<sup>m</sup> to James City Precinct: hereby authorising & requiring the sd Substitutes and Surrogats w<sup>th</sup> advice and consent of the Clergy in their several precincts to exercise the Ecclesiastical jurisdiction within the bounds and limits aforesd. And for this end with the consent and advice of the Clergy at the General Meeting aforesd I do require the sd Substi-



tutes assisted w<sup>th</sup> the Minrs of their several precincts or the Major part of them to hold a Meeting twice a year at the times and places hereafter mentioned viz on the first wednesday of April and the first wednesday of August at Warricks Creek Church for the Substitute & remaining Clergy on the Southside of James River, and on the second wednesday in April and the second wednesday of August at James City Church for the Substitute & remaining Clergy between James River and the Rivers of York and Matapony. And on the third wednesday in April and the third wednesday in August at Petso Church in the County of Gloucester for the Substitute & remaining Clergy between the Rivers of York and Matapony on the South and the River of Rappahannock on the north: and on the 4th wednesday in April and the 4th wednesday in August at Nomony church in Cople Parish for the Substitute and remaining Clergy between the Rivers of Rappahannock on the South & Potomock on the North. Appointing likewise w<sup>th</sup> the advice & consent of the Clergy at their General meeting forsd y<sup>t</sup> at all and every such Ecclesiastical meeting Divin Service be devoutly read, and a Sermon preached, explaining some of the articles of our holy faith, or of the main duties of a Christian life, or against the prevailing Sins of the time and place.

“Further it is hereby required y<sup>t</sup> at these meetings the Substitute of each precinct do in the presence of the rest of the Clergy his Assistants administer to each Church Warden in the sd precinct the Churchwardens oath in manner and form as by the canons for that purpose is provided; and in case any person elected to this office shall refractorily refuse to take the same, against him or y<sup>m</sup> to proceed according to the methods of Ecclesiastical disciplin. Moreover at such times the sd churchwardens are to be informed y<sup>t</sup> it is their duty to make true presentment of all such Scandals and enormities as shall be comitted within their jurisdiction, which presentments are by the s<sup>d</sup> Churchwardens to be preferred to the Substitute at these meetings. And in case any matter whether of misdemeanour or otherwise notified in the presentments of the s<sup>d</sup> Churchwardens shall upon trial and examination be found too difficult and intricat for the sd meeting to adjudge and determin, it is hereby appointed & required y<sup>t</sup> all such cases be referred to the General meeting, which by the advice and consent of the Clergy of this Colony; is hereby appointed to be annually held at James City on the last Wednesday in Septb<sup>r</sup> beginning in the year of our Lord 1691. Provided always y<sup>t</sup> liberty be reserved to the Right Rev<sup>d</sup> Father in God the Lord Bishop of London or his Comissary for the time being, to name other Substitutes or to make other alterations from time to time in the premises, as the occasions of the church shall require.

JAMES BLAIR, *Comiss.*”

In the lack of definite information, it must be assumed that a copy of this proclamation was sent to the minister and vestry of every parish and to the civil officials of every county. Certainly it would seem so in view of the fact that it was intended to be an official pronouncement of the clergy of the colony meeting for the first time in their history as a group representing the Church under the authority of a commissary appointed by the bishop of London. This opinion is further strengthened by the fact that on the day following the meeting of the clergy and the issuance of the proclamation, the Council of State requested the lieutenant governor, Colonel Nicholson, to issue a proclamation concerning the enforcement of the very laws which Blair in his proclamation proposed to take over into the charge of the courts which he intended to establish.<sup>21</sup>

Four months later, on December 2, 1690, Governor Nicholson issued a proclamation addressed to the justices of the peace and all civil and military officers of every county urging them "to take especial care that all laws, both penal and other, be put into effectual execution, and directing the justices of the peace to investigate and see how the vestries of the parishes are performing their duties."<sup>22</sup>

On the same day, Governor Nicholson wrote a circular letter to the sheriffs of all the counties, in which he said:

"I have spoke with y<sup>e</sup> Reverend Mr James Blair who is appointed by ye Reverend Father in God Henry, Lord Bishop of London Commissary of this their Maj<sup>ties</sup> territory and Dominion of Virg<sup>a</sup> who intendeth God willing in ye Spring to make a Gen<sup>l</sup> Visitation, and hope that your county will be found in such order that he will have noe Reason to punish any; and to that end I have herein sent you their Mat<sup>ies</sup> Letter to ye R<sup>t</sup> Reverend Father in God y<sup>e</sup> Bishop of London, and do order that you Cause the Same to be publisht at every other Court, and once in two months in each Church in your County, that all people encouraged from so good Example may demean themselves accordingly."<sup>23</sup>

No copy of this letter from the king and queen to the bishop of London has ever been discovered in any Virginia court record or parish vestry-book, as far as is known. Presumably, it was a letter authorizing the bishop of London to appoint a commissary in Virginia and defining the authority which the bishop might exercise through a commissary in territory outside his own diocese. Without it we are at a loss to understand how Blair found in his commission the authority to take such steps as he proposed to take. The commission itself was couched

in the most general terms, and it would seem that he interpreted it to mean that he was practically given *carte blanche* to take such action as he should deem best in the whole field of diocesan administration and discipline. Being the man he was, Blair showed his belief in the power of the sword as the most essential instrument of government.

As a brief summary of his proclamation, it may be said that the new commissary, with the approval of the clergy of the colony to support him, announced that he intended "to revive and put in execution the ecclesiastical laws against all cursers, swearers, and blasphemers: all whoremongers, fornicators and adulterers; all drunkards, ranters, profaners of the Lord's Day and contemners of the Sacraments; and all other scandalous persons whether of the clergy or the laity within this colony and Dominion of Virginia." For the more convenient execution of the said design, he proposed to divide the colony into four districts, which he described, and appointed a minister in each district as his surrogate or assistant, with orders to hold a court in his district twice a year.

This was indeed a startling and a most revolutionary plan. It was an attempt to introduce into Virginia the ecclesiastical courts which had proven such a bitter curse to the religious life of England during the earlier reigns—the very method which the people of Virginia had hitherto kept out of their life. He proposed to supersede the civil courts of the counties which had hitherto had jurisdiction in the trial of offenders against the moral law by courts in districts of his own creation before judges of his own appointment and answerable solely to himself. He announced that, in addition to the trial of such offenses, he purposed to bring to trial "all ranters, and profaners of the Lord's Day and contemners of the Sacraments."<sup>24</sup> This meant clearly that he proposed to undertake vigorously the arrest, trial and punishment of dissenters of the "enthusiastic" types. He says nothing about Presbyterians or Independents, but Quakers and Ranters were definitely to feel the heavy hand of legal prosecution for professing their own distinctive beliefs.

It seems incredible that Commissary Blair, after having lived in Virginia for nearly five years, and presumably having perceived something of the life and ideals of the people through his own contacts and his intercourse with the particular group of families into which he had married, should have proposed such a reactionary plan, and perhaps more incredible still that the governor, with the advice of the Council of State, should have supported it. England had in that year

adopted the Toleration Act, which finally put a stop to all legal persecution of dissenters. Less than three years previously Virginia had received with acclaim the proclamation of James II "for Liberty of Conscience" and had shown the sincerity of its attitude by electing a Roman Catholic to the House of Burgesses and taking steps to repeal the Act prohibiting the unlawful assembly of Quakers. And Blair, with the approval of the clergy of the colony, solemnly proposed to go directly in the face of the expressed attitude of both England and Virginia by introducing ecclesiastical courts to try and punish dissenters.

It was the House of Burgesses, the bulwark of the distinctive ideals and institutions of Virginia from the beginning, that rose in defense of the people of the colony and indeed saved the Church itself from the ill-advised action of its own leaders. Without any outbursts of surprise or anger, as far as is now known, without a single written word of rebuke or antagonism, without indeed any mention of the proposed plan at all, the matter died. Never has the power of silence been more effectively invoked than when the House of Burgesses wrapped Commissary Blair's proclamation within its impenetrable folds. There is not a word, either pro or con, concerning it in the records of the General Assembly of Virginia. No copy of the proclamation or of the letter of the king and queen to the bishop of London has ever appeared in any parish or county record. No student or writer upon the history of the Episcopal Church has ever hitherto known of their existence. It is only due to the fact that a copy of the proclamation was sent to the bishop of London and filed with a copy of the bishop's commission to Blair that these two documents have been found in the Public Records Office in London through the sending of copies to the Library of Congress.

The way in which we have learned of the attitude of the House of Burgesses in this matter is through the light which Commissary Blair's proclamation throws upon a hitherto inexplicable statement in the Journal of the House of Burgesses. This occurred on May 20, 1691, just ten months after the date of the proclamation. The statement is as follows:

"A Messenger from the Council . . . acquainted the House from the Rt. Honorable the Lt. Governor that Mr. Eburne, minister, who lately issued a precept for Ralph Flowers, clerk, of York Parish to answer before him several allegations complaints and misdemeanours, and Mr. Sclater, minister, who procured the same, had before his Honor acknowledged their errors, and that His Honor had sent to the House to know if



they desired any further proceedings against them, to which the House returned answer that being well satisfied of his Honor's care in that affaire they humbly submitted to his prudence."<sup>25</sup>

This record, with its unusual, to say the least, humility on the part of fiery Governor Nicholson glows with a bright light when one remembers that Mr. Eburne was the surrogate appointed by the commissary to hold courts in the James City district for the trial of misdemeanants and heretics, and Mr. Eburne, minister of Bruton Parish, and his neighbor, Mr. Sclater, minister of Charles Parish in York County, had gone ahead to organize the court and had issued a summons to Ralph Flowers, clerk, of York Parish to answer certain allegations and complaints. The report of the lieutenant-governor that he had called these gentlemen before him and laid down the law to them and his mild inquiry if the House of Burgesses desired him to proceed to further action against these parsons is most illuminating. Then the curtain drops and the lights go out.

Commissary Blair had received a rebuke that affected his whole later life and work. That it did not totally crush him and destroy entirely his usefulness is testimony both to the integrity of the man and the estimation in which he was held and also to the great desire of the people of Virginia to secure the things in which they desired his leadership: the effort to secure a college and the better oversight of the clergy.

As has already been stated,<sup>26</sup> the duties of the commissary had to do entirely with the clergy of the colony of Virginia as individuals. He received no authority to act as Ordinary in performing such duties, to which fees were attached, as were performed by bishops of dioceses in England. These were already being performed by the governor. Nor did he have in any way whatsoever authority to interfere in a contest between minister and vestry, nor in any case in which property rights were concerned. Nor could he hold a trial or investigation of the character or conduct of a layman. The people of Virginia have always had long memories; and they of the turn of the eighteenth century, remembering the dreadful trials and punishment of dissenters in the star-chamber and other ecclesiastical courts of the earlier Stuarts, were fully determined that no vestige of ecclesiastical court should be set up in Virginia. Indeed, one of the great difficulties which the commissary met when investigating charges of misconduct of clergymen was the fear, quite clearly expressed, of his attempting to establish an ecclesiastical court.<sup>27</sup>

He occupied an anomalous position at best as being simply the personal representative of a bishop in a territory over which that bishop had no ecclesiastical authority. The right of the bishop of London to send commissaries to the American colonies was simply an extension granted by the king of authority already placed by the sovereign in the hands of the bishop of London to select and to license clergymen to serve in the Anglican parishes in the American colonies. Inasmuch as these clergymen were outside any diocese, they should be considered as being under his pastoral care in somewhat the same way as were clergymen serving as chaplains of ships flying the British flag. But it must be clearly noted that every ship under the British flag was considered to be English territory and under the authority of the English Parliament, whereas clergymen holding parishes in Virginia must necessarily serve under the laws of the General Assembly of Virginia. The authority of the commissary, therefore, was solely that of a personal representative of the bishop to advise with the clergy whom that bishop had licensed, to admonish the erring, to help and encourage them in their personal and parochial problems, to make investigation of charges of misconduct, and when such charges were fully proven to suspend the license given by the bishop of London to the offending clergyman to hold a parish in the colony.<sup>28</sup> That was the only penalty of any kind he could inflict; and he quickly realized that he could not impose such a penalty except in cases where the disapproval of the minister's conduct was so strong and widespread that there was a general desire for his removal.

This fact, as well as the great difficulty of filling vacant parishes, was one of the reasons why, as he reported to the bishop of London in 1724, he had not suspended more than two clergymen from their parishes in the preceding thirty-four years.<sup>29</sup> He needed, also, the backing of the governor and council of state in the enforcement of such discipline. This was illustrated by the case of one Rev. Joseph Holt, the minister of Stratton-Major Parish from 1696 to 1700, whose license was suspended by the commissary after conviction of "several misbehaviours." He had then gone to Maryland, where he officiated for some years in spite of having lost his license. In 1705, St. Anne's Parish in Essex County accepted him as their minister and presented him to the governor for induction. The governor, after consulting the council, referred the matter to the attorney-general of the colony, who rendered his opinion that, when a minister was under suspension, the request of a parish did not serve to remove the sentence of suspension.<sup>30</sup>

In spite, however, of the lack of legal authority, the office of commissary was one of very great influence and could be made a power for good. The commissary being estopped from using the power of the sword was necessarily confined in his labors to the sphere of personal friendliness and helpfulness to the clergy, as the only one in which he could develop a worth while field of work. To one who had the vision to grasp it, this field opened an opportunity for leadership in correction of abuses and improvement of conditions whose bounds were determined only by his own innate power of vision and ability to lead others. It was indeed in this field of leadership that the two greatest of all the commissaries, Bray and Blair, did their greatest and most far-reaching work—Bray in his organization of traveling libraries and Church promotion and missionary societies, and Blair in the establishment of his College.

Blair made a fresh start upon his work as commissary, notwithstanding the rebuke he had received for his ill-advised effort to establish courts. The two needs that had impressed him as being of the greatest and most pressing importance were the increase and stabilizing of the salaries of the incumbent ministers and a college for the education of Virginian youth and for the training of native sons of the colony for the ministry of the Church. Both of these matters were presented to the convention for discussion and resulted in two petitions, one covering each of these subjects and both of which the convention adopted and placed in the hands of the commissary to present to the General Assembly. He presented them to that body in April, 1691,<sup>31</sup> and in the end had the happiness of seeing each petition begin a movement that attained real and abiding success.

The movement to establish a college was taken up first and aroused instant and widespread interest and enthusiasm throughout the colony. The first effort to organize a college, made in the earliest days of settlement, had died because a distrustful king abolished the charter of the company before the colony had recovered from the effects of the devastating Indian massacre of 1622. The second effort failed because an ungrateful king was more eager to strengthen his position upon a shaky throne by rewarding the courtiers around him with slices of Virginian territory than he was in the spiritual or educational needs of a colony of foolishly loyal people three thousand miles away.

The third effort was destined to meet a happier fate. Commissary Blair's petition was quickly and heartily approved by the Assembly and the governor, and plans were immediately adopted for advertising the

project widely throughout the colony. Subscription lists were opened in every county to enable the people to pledge their gifts for the establishment of the college. Having done this and secured a goodly amount in pledges and having shown thereby the wide and general interest throughout Virginia in the plan, the next and necessary step was to send an agent to England in order to arouse interest there and to secure a charter and grant of continuing income for its support. James Blair was obviously the best man to send, and the Assembly appointed him its agent. He sailed at once, carrying with him the hope of all the future of Virginia in his plans and visions of an institution of learning, and supported by the good wishes of the many who realized the colony's need.<sup>32</sup>

The friends he had already made while living in London proved of inestimable help and eventually he was presented to the queen and won her unqualified approval. She secured the attention of the king and her own genuine interest in the matter carried the day in spite of opposition in high quarters. Eventually, all barriers having been safely passed, the happy commissary returned to Jamestown with the charter of the Royal College of William and Mary in his possession and provision for an assured and continuing income from the public funds.<sup>33</sup> The charter was granted on February 8, 1692/93.

Dr. Blair had found indeed another and quite unexpected opportunity in England for widening and increasing the usefulness of the new college. The Honorable Robert Boyle, a younger son of the earl of Cork, and a man well known through a long and useful life for his great interest in philanthropy and missions,<sup>34</sup> had recently died and, under the provisions of his will, his estate was to be established as a permanent trust fund for the purpose of Christianizing the native American Indians.<sup>35</sup> While a small amount was directed to be expended annually in Massachusetts (and was paid to Harvard College for that purpose), the great bulk of the annual income was directed to be spent in Virginia. Upon learning of this bequest, Blair had perhaps little difficulty in securing it for the purpose of erecting the necessary building and maintaining an Indian School at the college for the education and Christianizing of Indian youth. By means of this bequest, Brafferton Hall was erected as one of the buildings of the college, and the school for Indian lads continued until the American Revolution finally ended all missionary appropriations to the revolting colonies; when the income of the Boyle bequest was transferred to Indian work in colonies that remained loyal to the British crown.<sup>36</sup>



Blair brought with him from England, in addition to the charter, a set of plans for the main building of the college as a gift of the aged architect, Sir Christopher Wren. He brought also a master for the proposed grammar school which it would be necessary to start as the first step in the organization of the college.<sup>37</sup> The General Assembly accepted the charter and work began in earnest. A site was selected at Middle Plantation in Bruton Parish and the name "Williamsburg" given to the town proposed to be built around the college. The board of visitors, already appointed by the Assembly before Blair went to England upon his mission, was organized,<sup>38</sup> and after the letting of contracts the cornerstone of the college building was laid with great ceremony and wide rejoicing on August 8, 1695.<sup>39</sup>

Meanwhile, the grammar school had begun under Mr. Inglis, even before the buildings were completed, and it was a day of real achievement when on November 5, in the year 1698, the students of the grammar school first began paying the college's annual "quit-rent" of two copies of Latin verse presented to the governor.<sup>40</sup> Another red letter day came at Christmas in 1700, when the president of the college, the Latin master and the writing master, "and so many of the scholars as are willing to board there" went to live in the newly completed college building.<sup>41</sup>

Many and grievous were the difficulties which Blair was forced to meet during the years in which the college was being organized and developed. Upon his return to Jamestown with the charter, he found that his friend, Colonel Nicholson, had been removed and Sir Edmund Andros had become governor, and he realized only too soon that in the very orders and instructions he had brought back from England lay the seed of misunderstanding and conflict between them.

In addition to the grants made from the quit-rents and taxes for the erection of the college buildings and its continued support, the commissary had brought also an order from the queen directing that the income of the quit-rents, amounting annually to eight or nine hundred pounds sterling, be applied to augment the salaries of the clergy. This gift of the net proceeds of the most stable public fund in the colony added to the order of the king that two thousand pounds sterling, or about half of the total reserve in the bank of quit-rents, be applied to the erection of the college building, brought immediate realization to the governor and Council of State that, if the orders of both king and queen should be obeyed, there would not be sufficient funds left to pay the salaries and other expenses of government which were ordinarily

paid out of this fund. Strong protest was made by the governor to the privy council that, if the quit-rents were applied to the salaries of the clergy, the government of the colony would be unable to function without receiving annual aid from the English treasury. The king thereupon modified the queen's order and directed that an effort be made for three years to see if Virginia could pay its necessary expenses without using the quit-rent fund, in which case the quit-rents should be applied as the queen had directed.<sup>42</sup>

The governor, with the approval, doubtless, of the members of the Council of State, determined to show the privy council that the colonial government could not get along without the quit-rent fund. With that end in view, they ordered payments out of that fund for expenditures which, according to the commissary, had never before been charged to that fund and, he was convinced, were being paid out of it now simply to prevent its use as the king had ordered.<sup>43</sup> The discovery of this conduct on the part of the governor (Or was it in large part Blair's suspicions that such was the governor's motive?) threw the commissary into such a rage that he was suspended from the council because of the heat of his intemperate statements and charges against the governor.<sup>44</sup>

As no available record appears to give the governor's side in this matter, it must be remembered that we are not in a position to judge fairly between them or to know what answer the governor made to Blair's charges of unfair dealing. The fact that the Council upheld the governor and suspended the commissary would seem to suggest caution in the formation of our own opinions. But from our standpoint of today, and, one may imagine, from that of many leaders of the life of Virginia in that day, it was an exceedingly unwise act on the part of the queen to try to start the custom of paying the clergy out of the general funds of the colony. It was the duty of the people of every parish to pay the salary of their own minister out of their own parochial funds, whether raised by taxation or by free gifts, and it was their duty to pay him a living salary. That was one of the responsibilities arising out of the right of self-government. Any relief from parochial taxation by taking funds from the public treasury was a sort of putting the parishes upon a governmental dole, which inevitably would have increased in amount and would undoubtedly have placed both clergy and vestries under the domination of civil government. Pauperization and loss of liberty through feeding at the public crib is by no means entirely a modern ailment. Attacked and accused as he was, and perhaps

maligned, Andros was serving the best interests of the Church when he opposed the gift of the quit-rents to augment the salaries of the clergy, even though, if Blair's accusations were strictly true, one might question the methods he used.

The situation between governor and commissary became more and more tense, as time passed. In addition to the charge that Governor Andros had so loaded the quit-rent fund as to take away any possibility of carrying out the queen's orders, Blair charged further that Andros had blocked the act passed by the General Assembly in 1694 for increasing the salaries of the clergy; that he had refused to uphold the clergy by compelling vestries to present their incumbent ministers for induction; that he was antagonistic to the college and had hindered the erection of buildings and by his attitude had checked and blocked the payment of amounts pledged. The controversy between them seemed to be so irreconcilable that a hearing was held by the archbishop of Canterbury and the bishop of London in December, 1697, at which both Blair and representatives of the governor were present.<sup>45</sup> Andros was removed within a few months and it is commonly stated that Blair, through his friends at court, was influential in securing his recall. It is certain that he urged and succeeded in securing the return of Colonel Francis Nicholson in 1698 for a second term as lieutenant-governor of Virginia.

It seems unwise to accept at face value all the charges made against the governor by Commissary Blair. In considering them, we must realize that they were made in an atmosphere of intense heat and anger on both sides, where each antagonist magnified the words and insinuations of the other. In regard to some, at least, of the statements made by Blair at the archbishop's hearing, it can be shown from other records that his charges were a bit too highly colored. Yet we must recognize his integrity and his conviction that he was fighting against unfair treatment by the governor. Andros, on the other hand, had spent many years in America as governor of one colony after another and had shown himself to be an able and careful administrator of affairs. He ranks much above the average of colonial governors in integrity and ability.<sup>46</sup> In spite of Blair's charges of his being an enemy of religion, there is the mute evidence of a handsome silver paten given by him to the Church in Jamestown in 1694;<sup>47</sup> and indeed when these charges were reported to the Council of State, that body adopted a resolution expressing the unanimous opinion of all except the commissary that "the clergy have all along in this Governor's time been as



well respected and taken care of as at any time since their remembrance, and believe as they ever were in this Dominion, and his Excellency always ready to espouse the concerns of and help the clergy and give all despatch and assistance in what relates to the College."<sup>48</sup> The truth of this matter is perhaps to be found in the fact that both governor and commissary were autocratic and dictatorial, and neither one could stand being crossed in his plans.

The hurt to the college arising from this antagonism was intense, as was also the effect upon the influence and power of Blair as the commissary, inasmuch as his success in that office was in so large a degree dependent upon the goodwill and cooperation of the governor. But days yet more bitter were still to come.

Colonel Francis Nicholson came from the gubernatorial chair of Maryland to his second term as lieutenant governor of Virginia, welcomed by people who remembered the success of his previous administration from 1690 to 1692. For a few years, the governor and the commissary worked together in mutual cooperation, but about 1702 a most bitter dissension arose between them, and Nicholson and Blair were soon as bitterly at loggerheads as ever Blair had been with Andros.

The college buildings, delayed in completion by the difficulties arising in the administration of Andros, were still in an unfinished state when, after the fire which destroyed the statehouse at Jamestown in 1698, the General Assembly determined to remove the seat of government to Williamsburg, and the governor decided to use the college building as the temporary administration offices until a building could be erected for the purpose.<sup>49</sup> This use of the property was naturally a great inconvenience but both college and Assembly made the best of it. As a step forward for the college, it was announced at Christmas in the year 1700 that the president and masters, and as many of the scholars as were willing to do so, would take up their residence in the main college building. This was done by mutual agreement of governor and commissary,<sup>50</sup> and this double use of the building continued for several years longer, until the capitol building was erected.

As one reads the letters written by Governor Nicholson to the archbishop of Canterbury in the year 1700,<sup>51</sup> the impression is formed of a man genuinely interested in the welfare of Virginia and also of the other colonies, where he had previously served. He wrote of his concern regarding the laws affecting the status of the Church of England in the other colonies and shows a wide knowledge of conditions. All



this is in keeping with the reputation he had made for himself by his conduct and actions during his previous career.

Like Sir Edmund Andros, Colonel Nicholson had devoted most of his adult life to the colonial service and had won general commendation for his ability and success. He was, moreover, known to be a most devoted member of the Church of England and was gratefully remembered in many places of his former residence because of his gifts for the erection of churches and for the part he had taken in the organization and establishment of both the College of William and Mary in Williamsburg and Saint John's College at Annapolis, in Maryland.<sup>52</sup>

By the year 1702, however, a storm had burst in Virginia which continued with increasing fury and devastation until it had involved not only the governor and commissary but the Council of State also, who supported the commissary, and the clergy of the colony, the great majority of whom sided with the governor.<sup>53</sup> So the unhappy spectacle was presented again, as in the days of Andros, of the two men of highest position, one in State and one in the Church, hating each other and fighting each other at every point.

The blast of charge and countercharge continued for three years and longer. Blair and a group of members of the Council charged the governor with arbitrary and tyrannical conduct, ill treatment of the clergy and mistreatment and oppression of the college<sup>54</sup> and added also a charge of serious moral lapse which was entirely out of keeping with the reputation Nicholson had borne in other colonies and which the present writer finds it hard to believe.<sup>55</sup> The governor, on his part, declared that "what Blair hath sworn against me is not only out of the height of inveterate malice and revenge, but that he hath forsworn himself in a great many things, as will appear by records and living testimonies."<sup>56</sup>

Unlike, however, the storm that centered around Andros, Governor Nicholson had many friends and a strong party who disapproved and opposed the attacks made by the commissary and members of the Council. The House of Burgesses seems to have taken no part in the controversy but rather seems to have sided with the governor. The clergy, who were called to a convention in August, 1705, which was intended to be a "peace" meeting, nearly a year after Nicholson had been recalled, were outspoken in their strong sympathy with the ex-governor and in their hostility to Commissary Blair.<sup>57</sup> They declared in so many words that the depositions relating to the governor's alleged

ill treatment of the clergy were "frivolous, scandalous, false, and malicious."<sup>58</sup>

In an effort to secure an unbiased opinion about conditions in Virginia, the bishop of London sent Colonel Robert Quarry to investigate the charges that had been made. In his report Colonel Quarry criticizes Blair's attitude of prejudice against Nicholson and blames the commissary strongly for his hostility to the governor. He urged the bishop to remove Blair and give him some good preferment in England, declaring that in doing this he would be rendering the greatest service not only to the peace of Virginia but of other colonies in America as well.<sup>59</sup>

In the lack of knowledge of any other motive, it would seem that the trouble between the governor and the commissary had its origin in the double use of the college buildings for educational purposes and administrative offices of government at the same time. Blair charged in 1703 that Nicholson had forced the college into debt of more than £500 through hasty and unwise demands and changes during the erection of the buildings. "I have heard him swear that he will seize the College for the King's use & he crowded into it the Secretary's office, the Clerk of the Council's office, the Clerk of the House of Burgesses office, and all their lodgings, with himself and all their committees, & had all his public treats in their great hall, to the great disturbance of the College business." He declared, further, that the college income arising from the penny per pound tax had been greatly lessened because of the governor's actions and attitude, and he had forced the college to pay such great and unexpected expenses "that there was not enough left to pay the Master's salary."<sup>60</sup>

Although we do not have the reply of Nicholson to these charges, it is very easy to understand that two such determined and obstinate men as Blair and Nicholson could not possibly have used the Wren Building at the same time for such diverse and conflicting purposes as the two men respectively demanded, without falling into hopelessly bitter conflict. Unquestionably, Blair was convinced that he was fighting for the very life of his college against an arbitrary tyrant, but the college had to pay a heavy price eventually for the hatred of the two men for each other. It is equally unquestionable that it would have been far better in the long run for Blair to have borne in silence the inconveniences of the double occupation of the building until the capitol building could be completed rather than make the fight he did; but the governor must have been unbearably rude and discourteous.

A strong contributory cause was the fact that Governor Nicholson, as he advanced in age, had become increasingly autocratic and domineering in both conduct and language, and his temper became more and more uncontrollable. He seems to have let fly with outbursts of all his vocal artillery upon being crossed in the least matter, and he seemed to be ever ready to bring all his reserves of vituperation into action. "The governor," declared Mr. Blair, "governs us as if we were a company of Galley slaves, by continual roaring and thundering, cursing and swearing, base, abusive, billingsgate Language to that degree it is utterly incredible to those who have not been spectators of it."<sup>61</sup>

Then, on top of all his other troubles, the governor fell in love with a young lady of Virginia and thereby placed himself absolutely in the power of his adversaries. An elderly man and bachelor of long standing though he was, his love affair seemed to affect him with all the fire and heat of a sixteen-year-old suffering from his first attack. Like Mars, "*aeterno devictus vulnere amoris*"; but, unlike that doughty god of war, the governor had the unhappy experience of finding that his love was not returned and the lady would have none of him. The Colonel swore a mighty oath that, if the young lady should marry another, he would kill the bridegroom, the official who issued the license, and the parson who performed the ceremony,<sup>62</sup> in addition to doing away with the other members of her family. Indeed, he did not wait for the ceremony to be performed, but, to show that he meant what he said, he attacked the parson one night when he met him in the road and berated him soundly as a sort of reminder of what would happen.<sup>63</sup> To quote Commissary Blair's own words used in another connection, all this hot love was "nuts to his enemies" and gave additional reason for urging his removal as governor.

His recall came in 1704, and he was succeeded by Colonel Edward Nott, who was cordially received and gave promise of a quiet and peaceful administration, but he died on August 23, 1706, after service of less than two years. Colonel Hunter was appointed to succeed him, but was captured by the French on his voyage to Virginia. The colony, according to the custom already in force, was governed during an interregnum of four years by the successive presidents of the Council of State, as governors pro-tem. Colonel Alexander Spotswood, the next appointee as lieutenant-governor, arrived in Virginia in 1710.

. . . . .

A long period of years had to elapse during which the college, beginning with nothing, had to undergo the experiences of development as an educational institution. The charter provided that the preliminary work of organization, erection of buildings and getting educational courses started, should be done by a board of visitors, or trustees, whose members had already been selected by the General Assembly before the charter was granted. The further provision was made when the organization should have reached the point of having in the college a president and six teachers or professors and a hundred students, more or less, including graduate and non-graduate pupils, the actual management and conduct of the institution should be turned over by the trustees to the president and masters of the college as a corporate body, after which the board should continue in existence as a board of visitors of the college. A further most interesting provision was included, that so soon as this transfer of control was made, and the college thereby became a self-governing educational community, it should become a parliamentary borough and have the right to elect a Burgess as a member of the House of Burgesses.<sup>64</sup>

As has previously been stated, the charter directed that Commissary James Blair should become the president of the college and hold that position during his whole lifetime and should serve also as the rector of the college for the first year. Upon him obviously, because of his interest in the project, and his success in securing the charter, rested the responsibility of undertaking the work of organization and the erection of buildings, the selection of faculty, and all the numberless and incessant details arising in the course of such a work. It was quickly found that he could not continue to hold a parish in Henrico County and attend satisfactorily to the affairs of the college. He was, therefore, in 1694 called to the charge of James City Parish at Jamestown and held that parish until he was called to the charge of Bruton Parish at Williamsburg in 1710.

The educational work of the institution began with a grammar school "for the immediate education of the youth of the said colony in the Latin and Greek languages, until the said college should be actually founded as aforesaid and the number of masters or professors in the said letters-patent mentioned made complete."<sup>65</sup> This was started at once under the Rev. Mungo Inglis<sup>66</sup> as master, whom Blair had brought with him from England. This school was held in rented quarters until the main college building could be erected.

As soon as the details of organization of the board of incorporators



and selection of site for the college were completed, Blair undertook the erection of the administration building, now called the Wren Building. The cost was defrayed out of the grant of the quit-rents made by the king and queen. In the year 1700, the completed main building was opened for use, and the plans for starting the Indian School were so nearly completed that the governor and commissary were beginning to make efforts to secure a group of Indian boys as the first scholars. In that year Nicholson wrote to certain Indian agents announcing that the building would be opened for occupancy the next summer and outlining the rules under which Indian youths would be received.<sup>67</sup> He estimated that the Boyle Fund income would be large enough, after paying the salary of the master, to support nine or ten boys.

It is very interesting indeed to note, as was stated by Blair in the deed of transfer by which finally the college was turned over to the president and masters, that the agreement which the trustees of the Boyle Fund made with Blair, as the head of the college, stated:

"Fourthly, the said President and masters and his or their successors should keep at the said college so many Indian children in sickness and health, in meat, drink, washing, lodging, clothes, medicines, books and education, from the first beginning of letters till they should be ready to receive orders, and be thought sufficient to be sent abroad to preach and convert Indians, at the rate of fourteen pounds per annum for every such child, as the yearly income of the premises, subject to the deduction aforesaid, should amount to."<sup>68</sup>

This pious hope of the donor, of educating Indian boys for the Christian ministry, was doomed to utter disappointment, as not a single Indian boy ever went through the college into the ministry of the Church. The fact was discovered then, as was proven 150 years later, when the American government was spending thousands of dollars to bring Indians from the West to Carlisle Indian School in Pennsylvania and Hampton Institute in Virginia, for Christian and industrial education, that most of these boys, upon their return to their tribes, dropped the film of civilization and returned to the ways of tribal life. The method was hopelessly wrong.<sup>69</sup>

In the same year, 1700, the college seems to have been taking the first steps towards a beginning of work upon the college level. Governor Nicholson in that year wrote to the archbishop of Canterbury asking his help in securing a man who could hold the two chairs of mathe-

matics and natural philosophy.<sup>70</sup> At that time the institution had, in addition to the president, a schoolmaster, a writing master, a Latin master, and an usher, or assistant teacher. The governor expressed the hope that the college would soon have enough masters to organize their self-governing corporation, but this event was still far in the future.

In October, 1705, the main college building was gutted by fire,<sup>71</sup> and in the following year Blair wrote to the archbishop requesting that a petition be presented to the queen for a grant from the quit-rents to help in the rebuilding.<sup>72</sup> In addition to all the obstacles arising from both ordinary and unforeseen sources, and his turbulent controversies with two governors, Blair had to fight dislike and dissension amongst the masters in the college community itself. This is evidenced by a bitter attack upon him made by Mungo Inglis in a letter to ex-governor Nicholson in 1705,<sup>73</sup> and the part taken by the Rev. Hugh Jones, professor of mathematics and natural philosophy, at the convention of clergy in 1719, where Professor Jones seems to have taken the lead in attacking and antagonizing his president.<sup>74</sup>

Still the commissary fought doggedly on. In the year 1718, he received the encouragement of a grant of £1,000 from the General Assembly "for the education of ingenious scholars, native of this colony."<sup>75</sup> The required number of masters was as yet incomplete in 1724. In that year Blair was trying to find the funds with which to establish and support a professor of divinity and ten theological students. He wrote to the bishop of London on July 17, asking for help in securing an annual income of £400, of which £200 would be used as the salary of the professor and ten scholarships of £20 each provided for the support of ten students.<sup>76</sup>

Finally, however, all obstacles had been overcome and the provision of the charter complied with of six masters and a hundred more or less of school and college students. These were listed in the deed of transfer as "two masters in the theology school, two other masters in the philosophy school, and one in the grammar school," and lastly the master of the Indian school.<sup>77</sup> But just one final obstacle remained; and that was the inveterate and undying hostility of Colonel Francis Nicholson to Commissary Blair. He had been appointed in 1692 one of the original board of visitors of the college, and with President Blair himself and one other, the Rev. Stephen Fouace,<sup>78</sup> there were now three surviving members of the original board. Because of the ownership of real estate involved, it was necessary that the transfer of owner-

ship from the original trustees to the new corporation of president and masters should be effected by a formal deed of bargain and sale, which required the signature of every surviving member of the original board. Nicholson flatly refused to sign an instrument which would place his ancient enemy in full charge of the college as president of the new corporation; and the college was, therefore, perforce compelled to wait until the bitter old man should die.<sup>79</sup>

Looking back from the standpoint of today upon the early struggles of what is now a venerable institution with a checkered career of two hundred and fifty years of service in the training of American youth, one must make profound and grateful recognition of the indomitable will and determination, and the great ability, of the man who conceived the idea and carried it onward through storm and stress to so great and abiding success. Virginia owes President Blair of the College an undying debt of gratitude.

#### CHAPTER XIX • PART ONE • NOTES

1. See Commissary Blair's letters, telling of his efforts to secure a charter, in Edgar L. Pennington's *Commissary Blair*, pp. 7-10. (Publication No. 182 of the Soldier and Servant Series, published by the Church Missions Publishing Company of Hartford, Conn.)
2. Perry, *Papers Relating to the History of the Church in Virginia*, p. 13.
3. These are Princess Anne County, Saint Anne's Parish in Essex County, Northanna River, Southanna River, Rapidan River (originally The Rapid Ann) Rivanna River and Fluvanna River. This last was the name given in that day to the upper reaches of the James River above the mouth of the Rivanna River. Later generations returned to the use of James as the name of the river throughout its whole length; but the name Fluvanna remains still as the name of the county through which the Rivanna passes to the James.
4. Much fairer accounts of both these governors are given in the *Dictionary of American Biography* and in various encyclopedias.
5. See *supra*, Chapter XVI, pp. 218 *et seq.*
6. The most easily accessible biographical sketches of Commissary Blair are (1) *The Dictionary of American Biography*, sketch by Dr. E. G. Swem; (2) *Commissary Blair*, by the Rev. Edgar L. Pennington, S.T.D., (3) a sketch by Hunter Dickinson Farish in his Introduction to *The Present State of Virginia and the College* by Hartwell, Blair and Chilton which was written in 1697, published in 1727, and republished with Mr. Farish's Introduction in 1940. An earlier sketch may be found in Sprague's *Annals of the American Episcopal Pulpit*. All histories of the Episcopal Church give space to him and his work in their sections dealing with the Church in Virginia. All of these must, however, be revised in the light of a restudy and reinterpretation of records dealing with his life and work.

7. *Fasti Academiae Marischaellanae*, Vol. II, pp. 196-98.
8. *Fasti Ecclesiae Scoticanæ*, ed. Hew Scott, new edition 7 Vols. Edinburgh (Oliver & Boyd), 1915-1928. The record of James Blair is found in Vol. I, 310.
9. Perry, *Op. cit.*, p. 247. This was the certificate which Blair presented to the convention of the clergy in 1719, and which because of its indefiniteness and lack of vital information made the majority of the clergymen present question whether he had ever received episcopal ordination.
10. See an account of the confused situation arising from the imposition of Anglican bishops upon a Presbyterian Church in Carwithen's *History of the Church of England*, II, 330-340; or in any history of the Church of Scotland.
11. Hume Brown, *History of Scotland* (Cambridge Historical Series), Vol. II, 418-19; Andrew Lang, *History of Scotland*, 4th ed., III, 367; William Law, *Politics and Religion in Scotland*, II, 295 *et seq.* The Act itself, creating the Test Oath, is printed in *Acts of the Parliament of Scotland, Record Edition*, ed. Thomas Thomson, Vol. VIII, 243-45.
12. One of those who suffered because of refusal to take the Test was Archibald, earl of Argyle, who was arrested, tried on a charge of treason, convicted and sentenced to death, but escaped only to suffer that penalty after his participation in Monmouth's Rebellion.  
 In connection with that trial for refusing the Test, the story was spread widely throughout Scotland of the action of the boys of George Heriot's Hospital in Edinburgh who "finding that the dog which kept the yards of the Hospital had a public charge and office, they ordained him to take the Test, and offered him the paper; but he, loving a bone rather than it, absolutely refused it. Then they rubbed it over with butter (which they called an explication of the Test in imitation of Argyle), and he licked off the butter but did spit out the paper, for which they held a jury on him, and in derision of the sentence against Argyle, they found the dog guilty of treason, and actually hanged him." See *Memoir of George Heriot*, by William Steven, D.D., Edinburgh, 1845, p. 102. Hume Brown, *History of Scotland*, II, 418-19, and footnote.
13. It must be clearly understood that these episcopally minded clergymen were not Episcopal clergy as belonging to an ecclesiastical organization separate from the Church of Scotland. They were all ministers of parishes within the Church of Scotland.
14. The previous writers of sketches of James Blair's life have been in error in stating that Blair "took orders" in the Church of England. The only ordination which he ever received was that by the bishop of Edinburgh whereby he became a minister of the Church of Scotland.
15. Having been ordained, however, by a bishop, there seemed to be nothing to prevent the bishop of London from licensing him to serve in Virginia even though he could not hold preferment in England.
16. This Trail, which in reality extended from New York to the Carolinas and Georgia came through Virginia along the eastern slope of the Blue Ridge Mountains. After the country was well settled and the Indian menace removed, this Trail developed into an important highway for freight hauled by wagons between Baltimore, Piedmont Virginia, Western North Carolina and the Southwest. In the northern part of Virginia this was called the Carolina Road. The present Virginia Highway No. 15, running from the Potomac River near Leesburg to the North Carolina line some miles east of South Boston, fol-



- lows the general line of that old Indian trail. See Fairfax Harrison, *Landmarks of Old Prince William*, Vol. I, p. 453 *et seq.*
17. See *supra*, Chapter XVIII, pp. 261 *et seq.*
  18. Col. Nicholson presented his own credentials to the Council and took the oath of office as lieutenant-governor on June 3, 1690, and on the following day he presented the commission of James Blair as commissary. "The Lieutenant Governor was requested to return to his Lordship the humble thanks of this Board for his pious care in this affair, and the reposing the trust in one so well deserving thereof as the said Mr. Blair is." McIlwaine, *Executive Journals of the Council*, I, 114, 116.
  19. *Public Records Office, London, C. O. 5; 1305*. There is a copy in the Library of Congress.
  20. *Public Records Office, London, C. O. 5; 1305*. There is a copy in the Library of Congress.
  21. McIlwaine, *Executive Journals of the Council*, I, 120, July 24, 1690.
  22. *Ibid.*, I, 147-48.
  23. *Ibid.*, I, 154. Along with other Letters and Proclamations this was sent to England and appears in *Public Records Office, London, C. O. 5; 1306*. There is a copy in the Library of Congress.
  24. The Ranters were followers of a pantheistic and antinomian movement which originated during the Commonwealth period in England and continued in existence for a number of years after the Restoration. Their tenets were considered blasphemous and immoral by Christians holding the orthodox faith. The "contemners of the Sacraments" were the Quakers, who rejected both the historic sacraments of baptism and the Holy Communion.
  25. McIlwaine, *Journals of the House of Burgesses of Virginia*, Vol. II, (1659-1695), pp. 366-67. May 20, 1691.
  26. See *supra*, Chapter XVIII: pp. 229 *et seq.*
  27. Blair complained upon several occasions that he found himself unable to persuade witnesses to give evidence against their ministers through fear of this kind.
  28. See Blair's letter of May 13, 1724, to Edmund Gibson, the newly appointed bishop of London, in which he states that as soon as he shall receive from the new bishop a renewal of his commission as commissary he proposed to hold an investigation of the conduct of two clergymen who had been accused of scandalous behavior, and if the charges were proven he proposed "to proceed to suspension of their license, which is only during the bishop's pleasure. Perry, 252-53.
  29. *Ibid.*, 252-53.
  30. McIlwaine, *Executive Journals of the Council*, III, 72-73, under date of February 27, 1705/06, and March 28, 1706. This Joseph Holt was later a missionary of the S.P.G. to Barbadoes. See *Digest of S.P.G. Records*, pp. 199, 816, 882. See also Goodwin, *Colonial Church in Virginia*, p. 279.
  31. McIlwaine, *Journals of the House of Burgesses, 1659/60-93*, 343-44.
  32. *Ibid.*, 1659/60, 347-373, *passim* as shown in the index.

33. The financial gifts made by the king to the college, as reported by Blair in 1697, were "near two thousand pounds in ready cash out of the Bank of Quit-Rents" to apply upon the erection of the college building:

"Towards the Endowment the king gave the neat (i.e. net) produce of the Penny per Pound in Virginia and Maryland, worth £200 per annum; and the Surveyor-General's place, worth about 50£ per annum; and the choice of 10,000 acres of land in Pamunkey Neck and 10,000 more on the south side of Blackwater Swamp. The General Assembly also gave the college a duty on Skins and Furrs worth better than £100 a year." (The "Penny per Pound" was a tax imposed upon the shipment of tobacco in intercolonial traffic.)

The total amount pledged by people in Virginia for the college when subscriptions were first received was more than £2,500. But Blair said that on account of the attitude of Governor Andros, no further pledges were made and not more than £500 of the amounts previously pledged could be collected. See Hartwell, Blair and Chilton's *Present State of Virginia and the College*, pp. 69-70. Perry, *Op. cit.*, pp. 43-44.

34. G. G. Perry, *History of the Church of England*, p. 517.

"Robert Boyle, a son of Lord Cork, who had become distinguished for his earnestness in promoting physical science and religious knowledge. By his agency the first Society for the Propagation of the Gospel was constituted, over which Mr. Boyle presided for twenty-eight years. This Society supported John Eliot in his philanthropic work and supplied other agents to assist him. . . . He also procured the translation of the New Testament into the Malayan language, and distributed many copies among the Malays. Another translation into the Turkish language was made by his means, and attempts were made to spread Christianity through the Levant." See further account of him in the several encyclopedias.

35. The fullest account of the provisions of Robert Boyle's will is to be found in Thomas Jefferson's *Notes on Virginia*, Query XV. See also Pennington, *Op. cit.*, p. 12, and Perry, *Papers Relating to the History of the Church in Virginia*. See also the study of the Boyle Fund by Herbert L. Garter in *William and Mary Quarterly Magazine* (2nd Series), XV: 1-39; 205-228; 346-384. See also 1st Series, XIX: 43.
36. It is interesting to learn that Thomas Jefferson, as governor of Virginia in 1779-81, put into effect a definite plan for the reorganization of the College of William and Mary, whereby he abolished the professorships of theological studies and put secular studies in their place. He proposed to close the Indian School and use the income of the Boyle Fund to send "missionaries" to live among the various Indian tribes to Christianize them by living among them, and at the same time to put into written form their languages, legends, traditions and customs. Having accomplished this in one tribe the "missionary" would go to another. The refusal of the Boyle Trustees to continue any appropriation to the college after the Revolution automatically closed the Indian School and prevented Mr. Jefferson from carrying out his proposed diversion of missionary funds. See his *Notes on Virginia*, Query XV.
37. This schoolmaster was the Rev. Mungo Inglis. Strong antagonism arose between him and President Blair, and Inglis eventually resigned and left the college. See his letter to Governor Nicholson in 1705. In Perry, *Op. cit.*, pp. 139-40.

38. The board of incorporators, as appointed by the Assembly in 1691 to receive the charter when granted, consisted of the governor or lieutenant-governor, four clergymen and nine others appointed by the House of Burgesses, and four from the Council of State. The names of these incorporators were: Francis Nicholson, William Cole, Ralph Wormeley, William Byrd, Rev. James Blair, Rev. John Farnifold, Rev. Stephen Fouace, Rev. Samuel Gray, Thomas Milner, Christopher Robinson, John Smith, Charles Scarborough, Benjamin Harrison, Miles Cary, Henry Hartwell, William Randolph, Matthew Page.

See McIlwaine, *Journal of the House of Burgesses*, 1659/60-93, pp. 360-61. May 15, 1691.

39. McIlwaine, *Executive Journals of the Council*, I, 334.
40. The king, having given twenty thousand acres of land to the college, instead of requiring the payment of the customary quit-rent of two shillings per hundred acres (which would have amounted to £20 sterling per annum), directed that two copies of Latin verses be prepared every year and presented annually on Guy Fawkes Day to the governor as representative of the king. See Hartwell, Blair and Chilton, *Present State of Virginia and the College*, pp. 92-93.
41. Perry, *Op. cit.*, p. 120.
42. *Ibid.*, p. 13.
43. *Ibid.*, p. 65.
44. Blair had been appointed a member of the Council of State in 1694 and took the oath of office July 18 in that year. See McIlwaine, *Executive Journals of the Council*, I, 314. He was suspended April 19, 1695. See *Executive Journals of Council*, I, 324-25. His expulsion continued more than a year until August 12, 1696, when, his friends in England having secured from the king an order for his restoration, he was readmitted to his seat. See *ibid.*, 350, 352.
45. Perry, *Op. cit.*, pp. 10-65. Blair's charges are given in full, pp. 10-29, and the account of the hearing before the bishops, 36-65. For a brief summary of the charges, see Farish's Introduction to Hartwell, Blair and Chilton's *Present State of Virginia and the College*, p. xxvi.
46. See the account of Sir Edmund Andros in the *Dictionary of American Biography*. He was landgrave of Carolina in 1672, governor of New York in 1674 and for several years afterward. "He handled very skilfully the problems of government, but charges were made against him. He was exonerated, but did not return." Knighted in 1681; Lieutenant-Colonel of the Princess of Denmark Regiment in 1685.

When James Second completed the plan begun by Charles Second of consolidating the New England colonies into one royal province, Sir Edmund Andros was appointed governor of "The Dominion of New England." This was in 1686. Upon the abdication of King James this Dominion collapsed and Andros was thrown into prison and sent to England where he was released. Appointed governor of Virginia in 1692.

"Commissary Blair complained that Andros was indifferent to the needs of the Church and the new College of William and Mary, but no charge of mismanagement was brought against him." In 1704 he was made lieutenant governor of the Island of Guernsey. "Though not popular with the advocates of democratic government, he was nevertheless one of the ablest of the English governors in the seventeenth century. He was primarily a soldier and never a

diplomat. He was impatient and brusque . . . There is no evidence of his ever having turned his position of authority to personal profit."

McIlwaine in his introduction to the *Journals of the House of Burgesses, 1695-1702*, p. xxix, footnote, writes: "Andros was fifty-five years old when he came to Virginia as governor, and during his residence his health was very poor. Though mentally energetic and industrious, he was, on account of his age and impaired health, unable to manage the affairs of the colony to the satisfaction of the home government."

47. This patent is now in the possession of Bruton Parish in Williamsburg.
48. McIlwaine, *Executive Journals of the Council*, I, 355-56, October 14, 1696.
49. Henning's *Statutes*, III, 419. Perry, *Op. cit.*, p. 120.
50. Perry, *Op. cit.*, 120.
51. *Ibid.*, 115-121.
52. See *Dictionary of American Biography* for an account of Col. Francis Nicholson. He was born in 1655 in Yorkshire and died in 1728. He served in the army in Tangier as courier and aide; captain of a company of foot-soldiers sent to New England under Sir Edmund Andros. He was made a member of the Council for the Dominion of New England and was commissioned lieutenant-governor and stationed in New York at the time of the Revolution in 1688.

He was lieutenant-governor of Virginia from 1690 to 1692 under the absentee governor, Lord Howard. "This was probably his most successful administration. Always taking a broad and even continental view of colonial affairs, he made several trips to the interior to study frontier conditions. He sent also a personal agent through the northern colonies to report on the situation there. "He encouraged the establishment of postal service between Virginia and New York . . . His most enduring service to Virginia was the support and financial assistance he gave to James Blair in the founding of William and Mary College."

He was governor of Maryland, 1694-98. "Here as in every colony he served he labored to advance the cause of the Anglican Church and of education." His activities in these directions were so extensive as to lead to the report in England a few years later that he had "established two Universities and twenty-eight churches in America."

"Everywhere he went Nicholson encouraged the building of schools and churches, both by appeals to the Assemblies for necessary legislation and by generous gifts from his own pocket."

"The last years of his administration in Maryland were marred by a series of bitter personal quarrels during which Nicholson in ungovernable temper lost much of his earlier popularity."

Governor of Virginia, 1698-1705, "His second term in that colony was far less successful than the first. His temper became more violent than before and led to his estrangement from Commissary Blair after the latter had read him a lecture on his conduct. Nicholson's dictatorial behavior aroused the opposition of several leading councillors, who accused him of trying to dominate the Council." Yet he managed to do much for the good of the colony. He was the leading spirit in the removal of the capital from Jamestown to Williamsburg and in the establishing there of adequate facilities for governmental offices. He greatly improved the provincial finances and succeeded, at least partially, in making the local administration more efficient. He continued his interest in



inter-colonial affairs and once went personally to New York to confer with Lord Cornbury on problems of mutual concern. His downfall came not because of a hostile Assembly, for the House of Burgesses continued friendly to the end, but because of a little group of councillors whom he had antagonized."

He returned to America in 1709 to take part in a joint attack upon Canada and Port Royal. In 1710 he was brigadier-general and commander in chief of the expedition that captured Port Royal in October, 1710, thus establishing British military supremacy in the Acadian Peninsula. He was governor-general of Nova Scotia in 1713.

Dropped from public office after the accession of King George in 1714, he was appointed governor of South Carolina in 1720 and served until his retirement on account of ill health in 1725. He was never married. At his death he left most of his property to the S.P.G., of which he had long been an ardent member."

For an estimate of Colonel Nicholson from another point of view, see E. L. Pennington's *The Apostle of New Jersey*, published by the Church Historical Society. The Rev. John Talbott, the first Anglican minister in New Jersey, writes enthusiastically of the help given by Colonel Nicholson: "He has done more for the propagating of the gospel of Christ and His Church in this vast howling wilderness than all the governors that ever came to these dominions." See pp. 142. See also pp. 86, 90-91, 95, 99, 104.

53. For the charges made by members of the Council, see Perry, *Op. cit.*, pp. 80-81. For the attitude of the clergy, see the minutes of the convention of August, 1705, *ibid.*, 141-153.
54. *Ibid.*, 131-38. But actually almost the whole of Perry's volume from page 69 to p. 181 is devoted to the quarrel between the two.
55. *Ibid.*, 79; see also p. 70.
56. *Ibid.*, 182.
57. *Ibid.*, 141-153.
58. *Ibid.*, 141.
59. See the report of Colonel Quarry in full in Perry, *Op. cit.*, 82-87.
60. *Ibid.*, 133-34.
61. *Ibid.*, 125. There is much evidence from other sources of the governor's incredible extravagance of invective when his temper was aroused.
62. *Ibid.*, 69, 88, 90.
63. *Ibid.*, 90-92. See, also, correspondence between Governor Nicholson and the young lady and her father in *William and Mary Quarterly Magazine*, 2nd Series, 22, 389-98.
64. These provisions appear in the charter, that about the parliamentary borough being in one of the final paragraphs. The charter is given in full in Hartwell, Blair and Chilton's *Present State of Virginia and the College*, 1940 reprint, pp. 72-94; and also in the *History of William and Mary College from its beginning until 1874*, published by J. W. Randolph and English in Richmond, in 1874, pp. 3-16.
65. See the statement in the deed of transfer of the college to the president and masters, in Randolph and English, *History of William and Mary College to 1874*, p. 23.

66. Rev. Mungo Inglis was a Scot. He served as master of the Grammar School with an intermission of about five years, from 1693 until his death in 1719. He was mentioned in the *Journal of the House of Burgesses* in 1699 as "humanity professor" at the college. See *Journal of House of Burgesses, 1695-1702*, p. 165. See also mentions of him in Perry's *Op. cit.* cf. the index.
67. See Governor Nicholson's letter to Robert Hix and John Ecans, Indian Traders, in Perry, *Op. cit.*, 123-24. No date is given in this letter, and the year 1700 is more a guess than an actual certitude. But it must have been about that time and before the governor's break with the commissary in 1702.
68. Randolph and English, *History of William and Mary College*, p. 27.
69. See the statement of Hugh Jones in Randolph and English, *History of William and Mary College*.
70. Perry, *Op. cit.*, 120.
71. Randolph and English, *Op. cit.*, 23, 24, 40.
72. Perry, *Op. cit.*, 183-84.
73. *Ibid.*, 139-40.
74. *Ibid.*, 199 *et seq.* Especially pp. 215, 225, and his letter to the bishop of London, p. 246.
75. Hening's *Statutes*, IV, 74.
76. Perry, *Op. cit.*, 319.
77. Randolph and English, *Op. cit.*, 24.
78. Rev. Stephen Fouace was the clergyman whom Governor Nicholson attacked and threatened to kill if he should perform the marriage service of the young lady who had rejected the governor.
79. For Colonel Francis Nicholson's refusal to sign the deed of transfer, see Letter of Governor William Gooch to the bishop of London dated July, 1728, in *Fulham Palace Records*, in which he says: "Now that Colonel Nicholson is dead I hope that all things will be made easier and settled to the advantage of the College."
80. Both the charter of the college and the deed of transfer to the president and masters are given in full in Randolph and English, *Op. cit.*, pp. 3-30.

# James Blair, Commissary

## PART II—*The Commissary*

IN describing Blair's work of establishing and developing the college, covering the period from 1691 to 1729, it has been necessary to pass over, for the time being, the particular duties resting upon him as the bishop's commissary. The manifold nature of his duties, as organizer and animating spirit of the whole movement, including the time and intense expenditure of nervous energy required in the bitter contests with governors and other officials, would seem to have been enough in itself to have occupied a man's full time during this period of thirty-eight years, even if there had been no other duties to be performed. Superimpose, however, upon his position as president of the college his duties as the minister of a parish and those arising from his position as commissary, add the preparation and publication in 1722<sup>1</sup> of a four-volume set of sermons upon the Sermon on the Mount, and one may form an estimate of the great and tireless ability of the man.

At the same time, one must realize that inevitably duties and opportunities in some of the positions he held must have been minimized or overlooked entirely for the simple reason that, in his day of service, with every desire to make full proof of every ministry, he was unable to give adequate attention to them all. His heart was wrapped up in his college, and who will doubt that he gave to its needs all the time and energy it required? His duties, as minister of a parish, were more or less fixed and definite, consisting of the regular conduct of services and emergency calls to minister to the sick. The one sphere in which his duties were not fixed was that of commissary. In that position, it was his privilege and opportunity, as the first real incumbent of the office, to explore its possibilities of service to the Church in Virginia and to fix for his successors the place which the commissary should fill in the orderly operation of ecclesiastical affairs.

Certainly, during the first two years in which he held the office, he made a great beginning in the general visitation of parishes, the first convention of the clergy, and the inauguration of the movements for the establishment of a college and for stabilizing the salaries of the

clergy. Both of these were started in 1691, and in 1693 each received its first measure of success—one in the granting of the royal charter; the other in the evidence given by both houses of the General Assembly of their desire to improve the financial condition of the parsons.

Due to the general approval of Blair's work as commissary and his success as organizer and leader in these two movements, he was rewarded in 1694 by appointment as a member of the Council of State of the colony—the first clergyman ever to hold official position in the legislative government of Virginia. He took the oath of office on July 18, 1694.<sup>2</sup> This appointment, as were all appointments to the Council, was made by the king upon recommendation of the privy council, and there can be no doubt that in England, as well as in Virginia, appreciation was being expressed of his interest in Virginia's problems and of his power of leadership.

In making this appointment, another step forward, but perhaps a rather small one, as it later turned out, was taken in the strengthening of the position of the Church, for it set a precedent which was followed in the case of all the succeeding commissaries of giving that ecclesiastical official a seat and vote in the body which was both the upper house of the General Assembly and the bench of judges of the supreme court of the colony. If the plan of establishing a diocese of Virginia, set on foot in 1672, had succeeded, it is quite certain that the bishop of Virginia would have held a seat in the Council of State *ex officio*, following the custom in England where, at that time, every bishop of a diocese was a member of the House of Lords in the English Parliament. In the lack of a diocese and a bishop in Virginia, the desire to give the Church some share in legislation affecting it was shown by giving this seat to the commissary.

So James Blair received not only the highest honor that Virginia could give to him but also the one position above all others which would most emphatically increase his influence and his power to set forward the affairs of religion and the Church. King, bishop and colony, each in its own sphere, had done what it could, under the prevailing circumstances, to enable the commissary to do his most effective work. What actually he accomplished was to be dependent upon the man himself, his own visions and ideals, and his grasp of the opportunities of the position.

The "Petition of James Blayre, minister, on behalf of himself and the rest of the clergy of this Dominion about the better payment of their salaries" was presented to the governor and council and by them



referred to the House of Burgesses on April 27, 1691.<sup>3</sup> This was just three days after their petition for the establishment of a college had been presented to that body.

The salaries of the clergy had, perforce, to wait until the questions concerning the college were settled and out of the way, and then the matter seems to have been forgotten or overlooked while Blair was in England. He returned to Jamestown with the charter in his possession in time to present it to the General Assembly on October 20, 1693.<sup>4</sup> Upon the same day, seemingly, he called the attention of the House to the overlooked petition of the clergy for the better regulation of their salaries, and on the following day a bill was presented to deal with the matter.<sup>5</sup> Although this bill was passed by both Houses, it failed of being enacted into law because Governor Andros dissolved the assembly with the unsigned bill in his possession. Such heat had been generated during this session that, although one purpose of convening the Assembly at that time had been to revise all the laws of the colony, the governor dissolved it and sent the members home before they had well started. Because this Act was lost by a pocket veto, it was not preserved, but it is possible to learn from the charges later made by the commissary against Governor Andros what the situation of the clergy was, and what was hoped to be secured through its enactment.<sup>6</sup>

The law in force in Virginia concerning salaries of the clergy was that enacted in March, 1661/62.<sup>7</sup> Besides furnishing a glebe, this law provided for every minister of a parish a salary "such as may be really worth fourscore pounds," to be paid either in tobacco or corn, or in money in the form of bills of exchange. In order to fix a definite amount of corn or tobacco to be delivered to the minister, it was ordered that tobacco should be estimated at a price of twelve shillings per hundred weight and corn at ten shillings per barrel. This law worked satisfactorily as long as these amounts were fair prices of the commodities, but as time passed and tobacco became more thoroughly established as the monetary medium of Virginia, greater or less amount of tobacco raised every year caused constant fluctuations between high and low prices for the crop, with consequent fluctuation in purchasing value. Virginia suffered constantly from inflationary or deflationary spirals. But, even when tobacco was selling as low as six shillings or less per hundred weight, the clergy were forced under the law to accept it at twelve shillings. Where this was done, the parson's salary was *ipso facto* cut from eighty to less than forty pounds sterling a year.

As stated by Commissary Blair, the majority of vestries recognizing the injustice of the situation, ignored the price fixed by the Act and paid their minister enough tobacco at the current market price to give him his salary in full value. Unfortunately, there was sometimes a vestry who, obeying the letter of the law rather than its intention, declined to pay their minister a pound of tobacco more than the 13,333 pounds needed at twelve shillings to provide a salary of £80. Quite naturally, as may be easily understood, it was the parish with this kind of vestry which remained vacant for the longest periods.<sup>8</sup>

It would seem, from the description of the petition, and from Blair's statements, that the clergy did not ask for any increase in the amount of salary above the fourscore pounds sterling provided in the existing law. But they did ask most earnestly that the requirement of accepting tobacco at twelve shillings per hundred weight be stricken from the law and the vestries be directed to pay enough tobacco at market value to make up the stipulated salary. Both houses of the Assembly showed themselves sympathetic to the petition of the clergy. The bill they adopted directed that the tobacco should be computed at ten shillings per hundred weight, as being an average price over a period of years between the high and the low of the annual crop. This would require that every minister be paid an annual salary of 16,000 pounds of tobacco instead of 13,333.

There were, however, certain other factors to be taken into consideration. Inasmuch as all tobacco, except the lowest grades, would have to be packed in hogsheads for shipment, it was usually customary, when salaries were to be paid in loose tobacco, to add eight per cent. to pay the cost of packing. As all tobacco received as tithes was loose, this payment of the additional amount for "cask" in all salaries paid in that commodity became the customary rule. In the case of the clergy, another ten per cent. additional was added to pay the cost of collecting from the several taxpayers. Under this custom, a salary of 13,333 pounds meant that the collector gathered 13,333 pounds plus 1,066 pounds for cask for the parson and ten per cent. of that amount, or 1,440 pounds, as his fee for collecting it. This made the salary cost the parish 13,333 plus 1,066 plus 1,440 pounds, a total of 15,840 pounds of tobacco in all. In the case of a 16,000 pound salary, the collection would, under this rule, amount to 16,000 plus 1,280 plus 1,780, or a total of 19,060 pounds.

It is difficult to understand at this day why Sir Edmund Andros refused to sign a law which was so obviously intended to correct a gross

injustice; yet some reason there must have been. To the present writer, it would seem the answer is to be found in the fact already mentioned, that Commissary Blair, when in England, had persuaded the queen to issue an order directing the application of all the quit-rents received in Virginia to augment the salaries of the clergy. The anger and indignation of the governor, when he learned that this very important fund had been thus given away to the clergy, must have been intense. Nor was it reduced in the least when he remembered that, six months before Blair's return from England, the county of Surry, in which Blair's father-in-law, Colonel Benjamin Harrison, was an important figure in political affairs, had presented a petition to the House of Burgesses to the same effect: "That their majesties the King and Queen be petitioned to give the quit-rents to increase the salaries of the clergy."<sup>9</sup> The House, it is true, had rejected the petition on the ground that a great deal of the existing bank of quit-rents had been asked for the erection of the proposed college and it would not be wise to ask for more. But it would be hard to believe that Andros did not put the two things together and suspect that Commissary Blair and Colonel Harrison, with their large and influential circle of friends and relatives in both Council and House of Burgesses, were leading a raid upon the public treasury which it was his duty to resist and defeat. His refusal to give any relief at all to the clergy would seem to be his reply to what he believed to be their unwise effort to pass the salaries over to the public exchequer.

One may be very sure that Blair did not remain quiet or inactive in the face of the refusal of the governor to sign the bill. The fact that in 1695 Governor Andros received peremptory orders from the king and privy council, directing him to further the interests of the college and of the clergy in the General Assembly, seem to show very clearly that Blair had been writing to his friends in England about the governor's attitude.

When the General Assembly met in 1695, the governor must have been surprised to find that the House of Burgesses, which had been ready in 1693 to grant relief to the clergy, had changed its position altogether and was unwilling to grant any relief at all. A bill passed the House to keep the salary at the old figure of 13,333 pounds, and that body promptly locked horns with the Council when the upper house amended the bill to make the salary 16,000 pounds.<sup>10</sup> The session closed with the question still unsettled and the bill not passed.



When the Assembly met in 1696, the Council seems to have been fully determined to force the matter to an issue. The House again adopted a bill fixing the salary this time at 14,000 pounds, but the Council insisted on 16,000. Finally, after many conferences between the two Houses, the Council won, and a law was passed and received the governor's signature in which the salary was fixed at 16,000 pounds of tobacco. But, as Blair very bitterly noted later on,<sup>11</sup> the Act of 1696 actually meant thirteen per cent. less improvement of salaries than had been provided by the one proposed in 1693, for the eight per cent. additional for cask had been dropped and the allowance for collection was reduced to five per cent. The parson still had to pay ten per cent. to get his salary collected but, under the new law, half of that cost had to come out of his own pocket. Putting the act into figures, the collectors collected from the parishioners 16,000 pounds for salary plus 800 pounds for cost of collection, a total of 16,800 pounds. But the parson had to pay him 1,600 pounds for his collector's fee, leaving himself 15,200 pounds, and out of that he had to pay eight per cent. or 1,216 pounds to have it packed into hogsheads for shipment. His net salary, therefore, under the new law was 13,984 pounds—a gain of 650 pounds.

This amount of 16,000 pounds of tobacco remained as the normal salary of the minister of the parish until the Revolution. The law was amended, however, in 1727 by returning to the old custom of requiring the parish to pay the eight per cent. additional for cask and ten per cent. for collection, and so the actual value of the salary was increased by that amount.<sup>12</sup>

It must be noted that the Council stood as the champion of the clergy during the sessions of 1695 and 1696 against the strong determination of the House of Burgesses to grant no increase at all. Apart from Commissary Blair's heated charges, there seems to be no evidence that the governor continued his antagonism to the plan. It is not clear whether the king's peremptory demand for action had silenced him or by this time he perceived that he had carried his point of saving the quit-rents and consequently was no longer averse to letting the parishes pay larger salaries. Blair had been suspended from the Council upon the very day the Assembly met, April 19, 1695,<sup>13</sup> because of "several undecent reflections reiterated and asserted with passion by Mr. James Blair . . . to his Excellency their Majesty's Governor," and remained under suspension for more than a year, so this fight was carried on by the laymen who were members of the Council.



It is noteworthy, also, that the session of the Assembly in 1695 was a new session and not an adjourned meeting. There had consequently been a fresh election of burgesses, and it is quite possible that the burgesses were representing the sentiment of their respective constituencies when they voted against any increase in clerical salaries. Whether, however, this is true or not, it is certainly true that burgesses were usually members of vestries in their own counties, whereas the members of the Council, being as a rule men of large wealth and influence and involved in large affairs, were not so likely to be members of the vestries of their parishes as not having the time or inclination for the great amount of detail connected with the vestryman's duties. The action of the House of Burgesses, therefore, would seem to be the expression of opinion of men whose thought was to keep parish budgets and resultant taxation at the lowest possible figure, while that of the Council would seem to be animated more by a sympathetic understanding of the problems facing the clergy because of the fluctuating condition of their monetary medium than by the increase of taxes required to pay the larger salaries.

A most interesting and revealing passage at arms occurred between the House of Burgesses and the clergy under Blair's leadership during the course of these two sessions of the Assembly. At the request of the House at the opening of the session of April, 1695, the governor had delivered to their messenger certain letters of instruction which he had received. One of these was "A letter from his Majesty for a Competent Salary to the Clergy."<sup>14</sup> In the reply of the House to the governor after the consideration of these letters, they stated:

"And upon Consideration of the third Paragraph of your Excellencies Speech recommending the appointment of Competent Salaries or allowances to the maintenance of the Ministers to be paid in money or tobacco at the price current, the house of Burgesses with all duetyfull regard to his Matys Commands in that particular humbly beg leave to acquaint your Excellencies that they have duely weighed the present provision made for the Ministers of this Country in their Respective parishes together with their other Considerable perquisites by marriages, burialls &c, & Glebes generally of the best lands not less in most places than four or five hundred Acres & in some places near twice that quantity, which glebes are well provided with houses Orchyards fences & pastures & to that degree that most if not all the Ministers of this Country are in as good a Condition in pointe of Livelyhood as a Gentleman that is well seated & hath twelve or fourteen Servants, and are humbly of opinion that the Laws of this

Country doe sufficiently provide for a Ministers maintenance in which they are ye more assured by their Observation & certain knowledge that where the Ministers have proved frugall men they have still raised their fortunes, from which it cannot but be necessarily Concluded that the greatest part of the Clergy of this Country are well content with their present provisions, & that all informations made to the Contrary have proceeded from none but such as are too avaritiously inclined."<sup>15</sup>

In answer to this statement the clergy, at a convention held in Jamestown on July 25, 1696, replied as follows:

"We humbly pray (with all deference & respect to that Worshp<sup>l</sup> house) that we may be allowed to make this true representation of our present Circumstances to yo<sup>r</sup> Excell<sup>cy</sup> & to speake the Sentiments of our own minds who best know whether we are satisfied with our present circumstances or not. As to our Salaries in Tobacco w<sup>ch</sup> we are obliged to receive at 12 S. per hundred we cannot but looke upon it as a great Grievance, when noe other persons besides our Selves are obliged to take Tobacco at so high a rate. And yo<sup>r</sup> Excell<sup>cy</sup> knowes his Maj<sup>ties</sup> Quit rents which Consist of the same Sort of tobacco are not sold for so much as halfe that price. As to our considerable perquisites We beg leave to Informe yo<sup>r</sup> Ex<sup>cy</sup> that we have noe perquisites but for Marriages & a few funerale sermons, and That by a Computation we have made of the Perquisites of the generality of our parishes we find that they do not amount *communibus annis* to above five pounds per annum.

"And for our Glebes w<sup>ch</sup> are so Ornamentally described by the said house of Burgesses, we do averre, that in many parishes there are noe Glebes at all, and that in Severall parishes that have Glebes they are detained from the possession of the minister, and that where it is otherwise that the possession is allowed to the minister, they are soe destitute of houses, Orchards and other Conveniences that they are no way of fitting for his commodious reception & accommodation & one with another are not worth above forty or fifty shillings per annum.

"And which is as Grievous as all the rest we hold those mean Livings so precariously, that (not being inducted) we are at all times Liable to be turned out of them at the Vestries pleasure without any Canonically objection either alledged or proved against us.

"So that we must unanimously own that the Circumstances of the Clergy of this Country are most deplorable & that the representation which was made thereof to his Majesty as such was a good service to this Church and pursuant to the Earnest desires of the Clergy thereof at their Generall meeting in the yeare 1690."<sup>16</sup>

This reply was signed by Commissary Blair and fifteen other clergymen. It was addressed to the governor and Council and presented to

that body just as a letter had come from England directing that Blair's suspension be ended and his seat in the Council be restored to him, and it was determined not to consider the reply of the clergy until Blair could be present. The matter was discussed at two meetings during which the fiery commissary had very obviously expressed his opinion that the governor had shown himself antagonistic to both clergy and college. The outcome was a formal declaration by the Council that:

"It is the unanimous opinion of the Council except Mr. Commissary Blair that the Clergy have all along in this Governor's time been as well respected and taken care of as at any time since their remembrance, and believe they ever were in this Dominion, and his Excellency always ready to espouse the concerns of and help the clergy and give all despatch and assistance in what relates to the College."<sup>17</sup>

The reply of the ministers was sent by the Council to the House of Burgesses on October 30, who immediately upon its reading resolved "that the said Address doth contain a most malicious scandalous and unjust reflection upon the proceedings of the late House of Burgesses"<sup>18</sup> and directed that a full reply be prepared "setting forth the true state of the Country in reference to their care & provision from time to time towards the Clergy." This reply took the form of an address to the governor, which they requested him to forward to the king, in order that he might be informed of what in their opinion were the true facts of the case.<sup>19</sup>

In this address the House went more fully into the matter and reiterated its former statement that, under the provisions of the earlier law, the minister's maintenance equalled in point of livelihood that of a gentleman who had a dozen or fourteen servants of his own. The statement continued: "And inasmuch as the clergy heretofore as eminent for Learning and life as these lived plentifully and raised their fortunes, making no complaints, we cannot but conclude that they were generally content, and we are very sensible the present Clergyes condition is in all respects as good as the former, and they are as much Valued and Countenanced." The statement of the ministers that the average of perquisites was as low as £5 was flatly denied and in its opinion ran from twelve to twenty-five pounds sterling per annum. Further: "If there be any parishes without a Glebe where there is an Incumbent, there was not a Law wanting to direct the providing of one, and we are sensible such care is & hath of late been taken to redress their complaints on all occasions that they have no reason to fear want-

ing long what they have a Lawfull Right to. . . . And as to what they say relating to Severall parishes where the Glebes are detained from the possession of the Minister, we cannot apprehend it so, unless they mean in one parish where the Minister committed great Waste whilst he had it, and the next (minister) tho entertained to preach but once a Fortnight would have Leased it to him."

It is hard, perhaps, to arrive at an understanding of the true situation of the clergy from the conflicting statements of the parsons and the House of Burgesses. Blair very clearly made great exaggeration in the heat of battle and sometimes declared actions to be general customs when he had the evidence of one case only. But so did Andros and Nicholson and Spotswood in their contests with the commissary. And no doubt there was some exaggeration in the statements of the House in its address. Knowing this we may believe that, as in most cases where honest men differ, the exact truth was to be found somewhere between the two statements.

While it is true that the amount of salary prescribed for the minister, under the old law, eighty pounds sterling with glebe and perquisites, was sufficient to enable a minister and his family to live upon the plane of an educated man and a gentleman, it was also true that the extreme fluctuation of the purchasing value of tobacco bore much more hardly upon the minister than upon the average planter of the same social class and much more than the House was willing to admit. It is undeniable that the law required a glebe to be furnished for the incumbent minister, with adequate building erected thereon; and the minister could always appeal to the governor and council for redress against any lack of glebe and necessary buildings if they were not furnished. There were manifestly, however, some cases of injustice and unfairness of treatment which were suffered in silence, sometimes because the minister did not have the spunk to fight and sometimes because of his own means, or because of a fortunate marriage, he had enough land given as a dower with his wife and did not care to live on or cultivate the glebe.

Blair wrote on more than one occasion that the salaries of the clergy were so meagre that they were prevented by their poverty from making marriages in the land-owning class,<sup>20</sup> but this has to be taken very decidedly with a grain of salt. Blair, himself, while rector of a remote frontier parish, married the daughter of one of the most prominent families in the colony, and there were many similar cases. Indeed, as



a general rule, the minister, as a man of education and culture, provided he were personally attractive in appearance and habits, was a decidedly desirable risk in families of the land-owning class who desired to see their daughters happily married.<sup>21</sup>

Perhaps, as a summing up of the situation, the opinion of a student who made prolonged and careful study of all the available records of the seventeenth century in Virginia, Dr. Philip A. Bruce, may prove of value. Writing of the character of the clergy who served in Virginia, he said:

"From the middle of the (seventeenth) century to the end, as from the beginning to the middle, a large proportion of the clergymen were not only graduates of English universities, but also men of more or less distinguished social connections in England.

"Outside the great towns in England, or the wealthiest and most populous of the English rural parishes, there was, in the course of the century, perhaps no single English living filled by a succession of clergymen superior to this body of men (who held the pulpit at Jamestown) in combined learning, talents, piety and devotion to duty. And yet there is no reason to think that the ability, zeal and fidelity of these ministers who occupied the pulpit at Jamestown were overshadowing as compared with the same qualities in the clergymen who, one after another, occupied any of the more important benefices in York, Surry, Elizabeth City or Gloucester Counties, or the counties situated in the Northern Neck, or on the Eastern Shore. . . . All the surviving records of the Seventeenth Century go to show that, whatever during that long period may have been the infirmities or unworthy traits of individual clergymen, the great body of those officiating in Virginia were men who performed all the duties of their sacred calling in a manner entitling them to the respect, reverence and gratitude of their parishioners."<sup>22</sup>

Writing again of the insecurity of the minister's position because of the refusal of vestries to present them for induction, he stated:

"As a matter of fact the whole character of the probational tenure was well adapted to foster in a clergyman all those qualities most urgently required in a man in his position. He was made by it more energetic, more faithful, and more circumspect in his conduct; and when a pastor on trial exhibited all these qualities there is no reason to think that he had any ground for complaint. Beverley,<sup>23</sup> who understood thoroughly the sentiment of the clergy towards the close of the seventeenth century, states that the only grievance of which they were heard to speak was the precariousness of their livings, but that even this was no real cause for dissatisfaction, as it was rare that one was dismissed without having been

guilty of some provocation not to be condoned; and that when discharged, unless his life had been 'abominably scandalous,' he found no difficulty in securing at once another benefice, owing to the eagerness of every vestry, should the pulpit of their parish be vacant, to fill it. 'No qualified clergyman,' he added, 'ever returned to England for want of preferment in Virginia.' . . . 'The minister failing to secure induction enjoyed by force of his agreement with the vestry all the pecuniary advantages possessed by the one who had been inducted. Apart from the uncertainty of his tenure, which, as we have seen, was practically removed by his faithful conduct, the average clergyman in Virginia was in a better position, from a worldly point of view, than the average member of his calling residing in the rural districts of England. . . . Not only could he rely with confidence on securing a benefice, something which the English divine was by no means certain of, but the remuneration for his services taken as a whole, salary, parsonage, glebe, and perquisites, was such as to relieve him from all anxiety about the support of his family.' "24

Granting, however, all that Dr. Bruce says about the clergy and the conditions under which they lived, it must be recognized that inevitably cases occurred, either intentionally or unintentionally, of unfair or unjust treatment, or inadequate support. "Impossible but that offences will come" and occasions of hurt arise as long as men are men; and all the more so for the reason that the Church in Virginia had no one in authority to uphold normal ecclesiastical procedure and enter as a friendly arbiter into cases of differences between ministers and vestries without forcing the question at issue out into the hard light of court trial. It was in just this field, if Blair could only have perceived it, that the true strength and opportunity of his commissaryship lay. As the representative of the bishop of London, he had no legal authority to investigate any condition or question involving the laity, but, as the clergyman of highest position in the colony and as representing the Church outside the local parish, if he had been of friendly and amiable disposition, he could have gone to any vestry in Virginia to discuss every matter of procedure in which there was a difference of opinion. With the strong influence of Church and civil government behind him, he could have corrected nine out of ten of all such occasions that arose, and, in so doing, would have won the love and loyalty of both clergy and people and vastly strengthened the *esprit de corps* of the whole body. The very great difficulty of the Church throughout the whole colonial period was that it existed as simply a group of separate parishes with no center of life and unity above them around which a corporate life could grow. With his strong power of leader-

ship, Blair, if he had been of a different and more kindly temperament, could have made his office of commissary such a center, based for its strength upon affection and appreciation rather than upon legal authority—just as, even to this day, the great power and influence of the bishops of the Church in the diocese of Virginia have been based far more upon the widespread love and affection for each one than upon his official position.

But this kind of service Blair was temperamentally unable to render. He could and would fight injustice and anything he considered to be unfair treatment. He was afraid of no man, or group of men, whether governor, council or vestry. But his only weapon was a bludgeon.

. . . . .

After winning the doubtful victory of the small increase in clerical salaries in 1696, the commissary was engaged for the next two years in his contest with Sir Edmund Andros. That governor having been recalled, Blair took advantage of the first two or three years of peace between him and Colonel Nicholson to urge upon the new governor the importance of insisting upon the induction of clergymen into the rectorship of their respective parishes instead of permitting the custom to continue longer of having the vestries call a minister for a year at a time. The instructions given to Governor Nicholson as to other governors before and after his time laid upon him the duty of inducting ministers into their parishes, but Nicholson, devoted Churchman though he was, showed the same unwillingness as his predecessors to raise that question and continued to induct only when a vestry of its own motion presented its minister for that purpose. He must have perceived clearly both sides of the question—from the standpoint of the clergy, the great strengthening of the minister's position by induction into the full authority of the rectorship; from the standpoint of the people, the great uncertainty of being able to secure an acceptable minister from England and the dreadful spiritual wreckage that might befall a parish if a minister of the wrong kind should be fixed upon them in a position from which he could not legally be forced out. Having served in both Maryland and Virginia, he knew the difficulties under which the Church labored, and he seems evidently to have been unwilling to undertake a movement which would certainly arouse intense antagonism on the part of the vestries, and the advisability of which he may well have doubted.

It seems strange that Blair, himself, should have urged the governor to insist upon induction of all ministers. He had been in Virginia for over fifteen years and must have perceived in his visitations of parishes how ruinous it was to the Church in any parish to have a minister who had gone bad. Possibly the only explanation is that the commissary felt convinced that conditions had so generally improved since the custom had been established of having the bishop of London select clergymen to come to the colonies, and the situation of the Church in the colony had been so greatly strengthened with its college, its commissary and the general improvement of conditions since the days of the Commonwealth and the Restoration, that it would now be safe to insist upon induction as a general policy.

In order to secure a definite statement of the duty and the authority of the governor in that matter, Colonel Nicholson, at Blair's insistence, secured from Sir Edward Northey, attorney-general of England, a definite and far-reaching opinion which declared:

First, that under the laws of Virginia the parishioners of each parish had the right of advowson, or selection of the minister to serve as rector of their parish, and to present him to the governor as ordinary, for induction into the rectorship.

Second, that because the laws of Virginia did not state specifically what must be done in case the vestry, acting for the parishioners, did not present a minister for induction, the laws of England governing that matter were in effect; and that law, dating from the Act adopted in the reign of Henry VIII, declared that if the patron (owner of the advowson), of a living did not present some suitable minister to the ordinary for induction within six months after a vacancy in the rectorship had occurred, the ordinary himself must select and appoint some minister, and induct him into the rectorship.<sup>25</sup>

This opinion of the attorney-general was dated at London July 29, 1703. Immediately upon its receipt, Governor Nicholson presented it to the Council. That body very gracefully got out from under by enacting as follows:

"His Excellency in Council is pleased to order that a copy of the said Sir Edward Northey's opinion be sent to the Churchwardens of each parish within this Colony, Requiring them upon receipt thereof forthwith to Call a Vestry and thereto cause the same to be read, and Entered in the vestry books to the intent the said Vestry may offer to his Excellency what they think proper thereupon."<sup>26</sup>

The Council was doubtless quite convinced that the vestries would have something very definite to say about the requirement that each



vestry must immediately present its minister for induction. Indeed, the very wording of their resolution, instead of ordering obedience to the ruling of the Attorney-general, suggested openly that the vestries should express their opinions in such terms as they should think proper. They were not disappointed. With a few exceptions, the vestries generally wrote to the governor expressing their unwillingness to present ministers for induction, and two vestries very flatly replied that this was a matter for the General Assembly to decide and not the attorney-general of England.<sup>27</sup>

The governor let the matter drop. Blair also seems to have dropped it, for the time being at least, and it did not again come up for public discussion and governmental action. It arose again in another form in 1719 when Governor Spotswood took the stand that he alone, as the king's deputy, had the right to select the minister of every parish and induct him, and that vestries and parishioners had no right at all to choose their own minister. Upon this occasion Blair fought valiantly for the right of the vestries to choose their own ministers and won his cause, to the great and lasting benefit of the Church of Virginia. But this matter can be discussed more effectively in the study of Colonel Spotswood's administration than here.

As has already been stated, Blair held a general visitation throughout the colony in 1690 to hear and investigate any charges that might be presented of improper conduct on the part of a clergyman. He held other particular visitations to parishes upon other occasions—how many, no one knows; only one official record of such visitation has ever come to light. We may safely infer that he held a visitation whenever charges made against a clergyman or public evidence of misconduct made it necessary. But it is profoundly interesting to learn from his letter to Edmund Gibson, the new bishop of London, in 1724, that in all the thirty-five years of his service as commissary he had never suspended the licenses of more than two ministers.<sup>28</sup>

When he wrote that letter, he was practically out of a job as commissary. His position, as being a personal representative of the bishop, automatically ended with the death of the bishop and required to be renewed by a fresh commission from the bishop who succeeded to the see. In this way, when Bishop Compton died in 1712, his successor, John Robinson, renewed Blair's commission as commissary. Bishop Robinson died in 1723 and was succeeded by Bishop Gibson. The occasion of Blair's letter in the following year was that he had not received the renewal of his appointment and consequently had lost

even the shred of authority he had formerly exercised, and, as he informed the bishop, there were two grossly unworthy clergymen who were taking advantage of his powerlessness to bring them to trial by the boastfulness of their misbehavior. He was impatiently awaiting the arrival of his commission in order that he might hold an official visitation.

The occasion of Bishop Gibson's delay in sending the commission to Blair, as has been shown already in a previous chapter,<sup>29</sup> was his realization that the permission given by the king to Bishop Compton to send a commissary outside the bounds of his diocese was to that bishop alone and did not constitute a continuing right to succeeding bishops of London. He had determined to secure specific authority from the king. Doubtless, the letter Blair wrote about the boldness of the two guilty clergymen made him realize all the more keenly the weakness at best of the authority Blair had exercised. For this reason, he insisted and finally received authority under the great seal of England to appoint a commissary with legal power to try a clergyman for misconduct.<sup>30</sup> The difference between the authority Blair exercised under Compton's commission and that of Gibson was that Compton had received simply the permission of the king to go ahead and appoint a commissary to serve outside his diocese, but Gibson appointed one under the power of the great seal, which had all the effect of statute law and more. Blair, as Compton's appointee, had to depend for power upon the good-will of successive governors and the Council of State;<sup>31</sup> but, when he acted as commissary of Gibson, after 1725, he had the whole force of the king's authority behind him. He had this authority during the rest of his life, and his successor held it until the death of Bishop Gibson in 1748. The succeeding bishops of London did not ask for a renewal of this authority, and the office of commissary sank again into its earlier weakness.<sup>32</sup>

In writing to the bishop of London in the above mentioned letter in 1724, Blair explained or tried to explain some of the reasons why he had never suspended the licenses of more than two men. He stated that, because of the great difficulty and length of time required to fill the vacancy in a parish, and the desire of a parish to hold on to a minister of too convivial habits rather than have no minister at all, he had never actually suspended any minister unless his conduct was so outrageous that there was nothing else to do.<sup>33</sup> Such consideration, in view of the conditions, was wise, but it is a noteworthy fact if, in the period of thirty-five years, from 1689 to 1724, he had found it neces-

sary to suspend two ministers only. It is true that, at the end of that period, there were two others whom he desired to bring to trial, and the civil records mention one incumbent minister who was convicted of gross immorality and dismissed. But even five ministers over a period of a full generation or more must make one perceive that the charges of widespread depravity and total unworthiness of the clergy of colonial Virginia so frequently thrown at them by many writers of our Church history are grossly exaggerated.<sup>34</sup>

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#### CHAPTER XX • NOTES

1. Edgar L. Pennington, *Commissary Blair*, pp. 18-20.
2. Rev. James Blair was Rector of Henrico Parish, 1685-94; minister of James City Parish, 1694-1710; minister of Bruton Parish, 1710-43.
3. McIlwaine, *Journal of the House of Burgesses*, 1659/60-1695, p. 344.
4. *Ibid.*, p. 459.
5. *Ibid.*, 460.
6. See Perry, *Op. cit.*, pp. 11-13 and 32-37 for these charges.
7. Hening's *Statutes*, II, 45, Act III. See Appendix VI, p. 456.
8. See the statement made by Blair, Perry, *Op. cit.*, 11-13.
9. McIlwaine, *Journal House of Burgesses*, March 16, 1692-93, p. 426.
10. *Ibid.*, 1695-1702, May 11, 1695, pp. 32, 33, 34, 37, 40.
11. Perry, *Op. cit.*, 12-13.
12. Hening's *Statutes*, IV, 205.
13. McIlwaine's *Executive Journals, Council of Colonial Virginia*, I, 394.
14. McIlwaine, *Journal House of Burgesses*, 1695-1702, p. 9, April 25, 1695.
15. *Ibid.*, p. 16, April 30, 1695.
16. *Ibid.*, pp. 98-99.
17. McIlwaine, *Executive Journals of Council*, I, 349, 350, 352, 354, 355-56, from August 11 to October 14, 1696. See Commissary Blair's comments on these addresses in Perry, *Op. cit.*, pp. 16-17.
18. McIlwaine, *Journal House of Burgesses*, p. 99.
19. *Ibid.*, 100-01.
20. Perry, pp. 15, 250-51, 259.
21. Mrs. W. G. Stanard, in her book, "*Colonial Virginia*," p. 52, stated that over forty families of prominence in Virginia are descended from colonial clergy or the emigrant sons of English clergy.
22. Philip A. Bruce, *Institutional History of Virginia in the Seventeenth Century*, Vol. 1, pp. 194, 201, 202-03.

23. Robert Beverley's *History of Virginia*, p. 213. This was first published in 1705.
24. Bruce, *Op. cit.*, I, 139-44. The present quotation is on p. 141. In considering the charge of insecurity of tenure of parishes by the clergy because of the refusal of vestries to induct, see the study of that subject based upon the reports made by the clergy of Virginia to the bishop of London in 1724. *Infra* Chapter XXII, pp. 375-78. Of 29 clergy in Virginia at the time these reports were made, the average tenure of the parish by the minister reporting was twenty-one years.
25. Perry, *Op. cit.*, 127-28. See, also, a discussion of this subject in *Historical Magazine of the Protestant Episcopal Church*, XII, p. 330. See also Appendix VIII, pp. 517 *et seq.*
26. McIlwaine, *Executive Journals of Council*, II, 359, under date of March 3, 1703-04.
27. These letters and the opinion of Sir Edward Northey are given in Appendix viii.
28. Perry, *Op. cit.*, 252-53. For the one extant record of a commissary's visitation see article by the present author, "Parson Sclater and His Vestry," in *Virginia Magazine*, LIII, 288.
29. *supra*, Chapter XVII, p. 230.
30. Blair presented to the Governor and Council his new commission as commissary to Bishop Gibson on September 11, 1727. See McIlwaine, *Executive Journals of the Council*, IV, 146.  
 The governor and Council, however, had not waited for the commissary to receive his new commission before attending to the cases of the two unworthy clergymen, Worden and Baylie. These men appeared before the Council on June 11, 1725, and were summarily dismissed from their parishes. Baylie was ordered to leave the colony and Worden, as the less offensive of the two, was "permitted" to depart from the colony. (*Ibid.*, IV, 90.)
31. See Perry, p. 16, section 4, for the attitude of Governor Andros.
32. For a statement of the difference in the authority of the commissary under Bishop Gibson from that under the other bishops of London, see two letters of President William Nelson, acting governor in 1771, to Lord Hillsborough, in Perry, 532-34.
33. Perry, 250, 252.
34. For further study of the subject of the character of the clergy, see *Historical Magazine of the Protestant Episcopal Church*, Vol. X, pp. 69-103.



# Colonel Spotswood's Plans And Failures

FOR some reason of political expediency, Queen Anne revived, and established as a regular policy, the unhappy precedent first set by Charles Second of permitting governors of Virginia to remain in England with no duties of that office to perform except that of drawing the salary. Thomas, Lord Culpeper, and after him Lord Howard of Effingham, had tasted the sweets of prolonged stays in England as absentee governors, although, in each of these cases, the arbitrary conduct of his lordship while in residence had made his departure from Jamestown and residence in England as welcome to the Virginians as it was pleasing to himself. Colonel Francis Nicholson had served as lieutenant-governor under Lord Howard, during his first term 1690-92. Upon the death of Lord Howard, Sir Edmund Andros had been appointed full governor and was in residence in Virginia for six years but, when removed in 1698 from the performance of the duties he was also removed from the office of governor. Colonel Francis Nicholson in returning for his second term in 1698 came as full governor.<sup>1</sup>

By this time, it must have become quite clear that the office of absentee governor of Virginia, with its net salary of £1,000 sterling, with no duties attached, was just the kind of plum to hand out to some court favorite expecting recognition, or a needy nobleman who required help to enable him to live in the way to which he was accustomed. Certainly, there must have been some reason hidden from the colonials, when George Hamilton Douglas, earl of Orkney, who never set foot in Virginia, either before or after that event, was appointed its governor. He held that sinecure until his death in 1737 and was followed by William Anne Keppel, earl of Albemarle, who "served" until 1754. John Campbell, earl of Loudoun, held the position from 1756 to 1763 and Sir Jeffrey Amherst from that date until 1768. At that time, in the disturbed conditions of the Stamp-Act days, the custom seems to have been abandoned, and the later colonial governors, Lord Bote-

tourt and the earl of Dunmore, were full governors. Perhaps the unreasonable Virginians, regardless of the sanctity of a custom of long standing established by good Queen Anne, began to question why they should be compelled to pay so large a salary annually to some lord in England who rendered no service whatsoever to earn it. And perhaps we also of today might wonder why, through so long a period, the English colonial authorities could have justified to themselves or anyone else a policy of forcing a struggling and growing colony to pay such a salary to a court favorite, when the money could have been wisely used for so many other purposes of benefit to the colony. The answer to that question, if there is any, is hidden in the secret records of the colonial policy of that day.<sup>2</sup>

After the removal of Colonel Nicholson in 1704, Colonel Edward Nott was appointed lieutenant-governor of Virginia and served something over a year until his death in 1706. The crown then appointed as lieutenant-governor, Colonel Robert Hunter, who afterwards served as governor of New York. But Colonel Hunter was captured by the French on his voyage across the Atlantic and remained a prisoner until either his desire to go to Virginia had evaporated or the needs of the situation required the appointment of another.

And thereby hangs a tale which throws for a moment a touch of serio-comedy upon the tragic need of better organization of the Church in Virginia. For Jonathan Swift, the author of *Gulliver's Travels* and other well-known works of the imagination, longed for the lawn sleeves and the dignity of the episcopal office, and he had set his hopes upon the establishment of a diocese in Virginia with himself as its bishop. He was depending upon his friend, Colonel Hunter, to put the scheme into effect when he had gotten settled in his position as lieutenant-governor in Williamsburg. His correspondence with Colonel Hunter, which indicates very clearly that there had been considerable discussion of the matter previously, shows his longing for that position. But his hopes evaporated also while his friend spent his weary term of imprisonment in France.<sup>3</sup> Somehow, it is rather hard to take the matter seriously, although it might have been a very serious thing indeed for Virginia and for America to have forced upon the Church in the colonies a bishop who had no experience of colonial needs and problems.

Colonel Alexander Spotswood arrived in Virginia and presented his credentials as lieutenant-governor in 1710 and served until 1722. The salary of the governor at that time was £2,000 sterling per annum, paid out of the tax of two shillings per hogshead of tobacco shipped

out of the colony. Of this amount, £1,000 sterling went to the governor in England and £1,000 to the lieutenant-governor. There were, however, certain perquisites accruing to the lieutenant-governor in addition to his flat salary. The probate of all wills, the issuance of special licenses for marriage, when that was to be performed without announcement of the banns in Church, and the appointment of notaries, all required the payment of fees, and these duties had, from the beginning, been very definitely assigned to the governor. The governor had the right to induct ministers, and quite probably there was a fee attached payable to the governor for every induction. Every Indian tribe living at that time within the settled bounds of the colony was by this time tributary to the colonial government, and each one paid an annual tribute of beaver skins which went to the governor as one of his perquisites. Altogether, the perquisites were estimated to add £600 sterling to the governor's salary—going, of course, not to the absentee governor but to the lieutenant-governor, who exercised the authority and performed the duties of the office. With this addition, the remuneration of the lieutenant-governor was £1,600 sterling per annum, which was no mean salary.<sup>4</sup>

Alexander Spotswood was born at the English military post of Tangier on the northern coast of Africa in 1676, the son of a medical officer stationed at that post. His childhood was spent in military encampments, and after some years of schooling in England as a lad he became, at the age of seventeen, an ensign in a regiment then serving in Flanders. He continued in the military service, was wounded and captured at the battle of Blenheim in 1704 and eventually rose to the rank of lieutenant-colonel.<sup>5</sup> He seems to have gone directly from the army into the colonial civil service as lieutenant-governor of Virginia in 1710, and after his retirement in 1722 he married and spent the remainder of his life in the colony. Through his innate business ability, he acquired large holdings of land<sup>6</sup> and engaged so extensively in iron-mining and smelting as to earn for himself the name of "Tubal-Cain of Virginia."<sup>7</sup> He was, for ten years from 1730 to 1740, the deputy postmaster-general for America and did much to introduce and extend the postal service between Virginia and the northern colonies.<sup>8</sup> In 1740 he was appointed commanding officer of the military forces which were being recruited in the American colonies for an attack upon the Spanish fortress of Cartagena on the shore of the Caribbean Sea in Columbia in South America, but he died on June 7, 1740, in the midst of his preparations for the campaign.<sup>9</sup>

Rarely, if ever, did Virginia, or any other of the American colonies, have as governor a man with the fortunate combination of sound business sense, clear grasp of fundamental problems, genuine interest in moral and religious conditions, and loyalty to the crown and the home government, as were shown by Governor Spotswood. Yet there have been few governors who failed as unhappily as he did in putting into effect the plans for development and improvement of conditions which he formulated.

Spotswood was a strong, able and far-seeing executive. In the business affairs of the colony, he saw clearly the weakness and the danger of a fiscal system based upon so perishable a commodity as tobacco and endeavored to regulate its culture and stabilize and improve its use as a monetary medium. He regulated and improved the colonial methods in the sale of land and collection of the annual quit-rents arising therefrom, thereby correcting abuses and contributing greatly to the general prosperity of the colony. He was more deeply and more genuinely interested in the moral and spiritual welfare of the tributary Indian tribes and in their advancement in civilization than any other colonial governor, either before or after him, and the only one who proposed a definite and workable plan to accomplish these ends.

In the wider field of inter-colonial affairs, he included in his interest the whole group of English colonies in America, recognizing the need of their working together in common agreement for mutual development and protection in the face of common dangers from both Indian and European enemies. He lent a strong hand to the government of North Carolina when that unhappy colony was going through the agonies of internal strife between parties and war with the Indians in 1712-14. As a soldier, he recognized that the interests of both England and the colonies alike required a strong stand and actual warfare if necessary against the Spanish forces in Florida and the French in the Mississippi Valley and in Canada. As a Christian, he was openly and devoutly a member of the Church of England, careful for the welfare of religion and the Church and interested in the effort to educate and Christianize the Indians to the extent of giving largely of his own time and means toward the accomplishment of that object when he found that he stood alone and could secure no assistance from any other source.<sup>10</sup> But, in spite of these great qualifications for successful administration and for winning the gratitude and affection of the people of the colony, there were two elements in his personal character and



convictions which brought his best efforts to ruin and eventually caused his dismissal from his office amid a general chorus of disapproval.

The first of these factors was that Spotswood showed very clearly throughout the whole of his administration that he felt far more keenly his responsibility as agent and representative of his sovereign and of the English government than as guardian of the welfare and interests of the colony and its people. He did not concede that they had of right any interests apart from those of the mother-country. He was fundamentally an extreme imperialist, considering every question of colonial or intercolonial policy in its relationship to England far more than its effect upon the people of the colonies. In his conception, the whole and only reason for the existence of the colonies was to strengthen the home-land. This fact comes out very clearly in a perusal of his letters to the board of trade and to other officials in England.

Because it was England's policy to force all American trade to come in English or American bottoms to English ports, Spotswood fought vigorously against the widespread Virginian practice of "illicit trade."<sup>11</sup> Because it was England's policy to force the dependence of the colonies upon the mother country by forbidding the development of manufactures, he very carefully warned the board of trade that something must be done about the depressed condition of the tobacco market. Prices received for their crops were so small that ordinary farmers did not clear enough to purchase clothing for their families, and consequently many farmers were beginning to manufacture rough kinds of cloth in their own homes, or on their own plantations.<sup>12</sup> The danger of a menace to English manufactures and its market for manufactured goods was to him a far more serious matter than the welfare of poverty-stricken families caught in the meshes of a vicious fiscal system.

It was for the sake of his queen and the welfare of England, rather than the financial interests of the proprietors, that he sought to interfere in the affairs of North Carolina. Loyalty to his sovereign impelled him to endeavor to unite the colonies in a definite plan of common protection against Indian and other enemies and forced him to call the attention of the authorities at home to the necessity of resisting the aggressions of the Spanish and French against the English colonies. Sooner or later the General Assembly and the people of the colony must have realized the fact that England came unalterably first and Virginia second in all their governor's thinking. He could not have prevented them from learning this, and he would not have done so

if he could. He was first and foremost and all the time the representative and agent of his sovereign.

The second factor in his character, which must be understood in order to understand his actions, was that, by every impulse and ideal instilled into him by his birth and early years in a military camp and his lifetime of service in the English army, he was a strong and implicit believer in autocratic power and authority descending from a supreme fountain head. His *credo* was perfectly simple. All authority came from the sovereign. Just as all the land in Virginia belonged originally to the king and could only come into the possession of any individual by a direct conveyance from the king, so the people who owned the land and lived in the colony had no rights at all except such as the king gave them. He recognized his own authority as being placed in him by his sovereign. He had received definite instructions from the queen to govern his actions and he was determined to carry them out to the letter. He recognized the authority of the Council of State because its members were appointed directly by the sovereign with definite authority given them. But he could no more understand the claim of the House of Burgesses to exercise the authority of government as the representatives elected by the people than he could have understood or suffered the actions of a meeting of common soldiers elected by vote of the respective companies in a regiment in presuming to dictate to the field officers rules for the government of their conduct toward the private soldiers, or instructions for the planning of a campaign. He was perfectly frank about it. On October 15, 1712, he wrote to the board of trade:

"I have called (our Assembly) to meet next week; for the Mob of this Country, having tryed their Strength in the late Election and finding themselves able to carry whom they please, have generally chosen representatives of their own Class, who as their principal Recommendation have declared their resolution to raise no Tax on the people, let the occasion be what it will. This is owing to a defect in the Constitution which allows to every one, though but just out of the Condition of a Serv<sup>t</sup>, and that can but purchase half an acre of Land, an equal vote with the Man of the best Estate in the Country."<sup>13</sup>

Again, on July 15, 1715, he wrote to Mr. Secretary Stanhope in London:

"They are to meet on the third of ye next Month, but I cannot forbear regretting y<sup>t</sup> I must always have to do w<sup>th</sup> ye Representatives of ye Vulgar People, and mostly with such members as are of their Stamp and Understanding, for so long as half an Acre of Land, (which is of small value in

this Country), qualifies a man to be an Elector, the meaner sort of People will ever carry ye Elections, and the humour generally runs to choose such men as are their most familiar Companions, who very eagerly seek to be Burgesses merely for the lucre of the Salary, and who, for fear of not being chosen again, dare in Assembly do nothing that may be disrelished of the House by ye Comon people."<sup>14</sup>

*Pace, Shade of Thomas Jefferson!!!*

Again, in a letter to the board of trade on August 14, 1718, he says that he cannot see that the colonies have any rights at all except through the "Concessions of the sovereign, either (1) by his Letter Patent, (2) the Laws of the Mother Kingdom, and (3) those w<sup>ch</sup> the people are allowed to make for themselves."<sup>15</sup> That is, of course, those acts which he had "allowed" to become laws by his approval and the actual or tacit consent of the sovereign. Certainly the Colonel was not influenced by any belief in democracy or self-government. The Virginians' contention that they had the right to make their own laws as a self-governing unit in the British Dominions was as the sin of witchcraft to him.

This attitude of the lieutenant-governor brought him into many difficulties. It kept him embroiled with the House of Burgesses so that more than once they fought and opposed his plans because of distrust of his motives when his recommendations would seem plainly to have been advantageous to the colony and its people; and, in the end, it placed him in such a position of antagonism as to force his removal. In nothing did he show this attitude more clearly than in his openly avowed intention to carry out his instructions according to their letter and his own interpretations of the sovereign's prerogatives rather than to follow the precedents of interpretation set by his predecessors. In fact, he assured the board of trade that he was fully determined to uphold for the king every atom of his prerogative and right regardless of the attitude of the people, declaring his determination: "That justice is to be done here to the King as well as to ye Subject; That the Rights of the Sovereign are not to be parted with merely because an humoursome people thinks they would be more conveniently Lodged in their hands."<sup>16</sup>

Spotswood was sufficiently familiar with the charters of the proprietary colonies to know that in each case the king had given to the proprietors the right to establish counties and parishes, appoint ministers, regulate the courts, and exercise other "regalities." Knowing that Virginia was a royal colony belonging still to "the king's manor of East



Greenwich," he was convinced that these regalities, never in his opinion having been specifically given to the people of Virginia, belonged still to the king; and he was quite horrified to learn that the House of Burgesses dared to assume the authority to erect counties and form parishes. He wrote very plainly to the board of trade shortly after his arrival in 1710 that he thought such attacks upon the royal prerogative should be stopped,<sup>17</sup> and in his message to the House of Burgesses on November 27, 1710, he said: "I expect that you forbear for the future to begin upon the dividing either of counties or parishes until her Majesty shall be graciously pleased to yield up that branch of her royal prerogative into your hands."<sup>18</sup> He asked in the letters above mentioned that more definite expression be made in his instructions of his authority to divide or establish counties and parishes than appeared in his first instructions, showing very evidently his desire to fight that matter to a finish. No such instruction came to him. The privy council, having long experience, very wisely decided that an effort to take away from the Virginia Assembly a right of making their own counties and parishes, which they had exercised for nearly a hundred years, would not be worth the fight it would take to put it into effect. Spotswood was unquestionably either advised to let the matter drop or was made to see that the authorities at home would not back him up in such a fight. At any rate, the matter was dropped.

The question, however, of the right of the governor to exercise the royal prerogative of selection and appointment of ministers to all vacant parishes was fought by him with vigor and extreme bitterness. It did not come to a head until the latter part of his administration and will be dealt with more fully in the proper place.

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With this estimate of Governor Spotswood's strength and his weakness, consideration must be given to those of his plans and policies which had definite bearing upon moral, religious and ecclesiastical conditions in the colony. The first of these, both in time and in later effect upon moral and social conditions, was his effort to improve the fiscal system under which Virginia suffered. He very quickly perceived that the root of a great deal of the uncertainty and constant fluctuation between prosperity and financial depression, both in the larger colonial administration and in more personal financial affairs, was due to the wretched lack of sound money, and he suggested plans for the



improvement of the situation. In his letters to the board of trade, he called attention as strongly as he could, but with little manifest effect, to the lack of small currency which made it exceedingly difficult to pay small amounts either for purchase of commodities or settlement of fees and taxes.<sup>19</sup> The quit-rent tax of two shillings per annum on each hundred acres of land was by royal consent permitted to be compounded for twenty-four pounds of tobacco,<sup>20</sup> for the simple reason that there were no shilling coins for a man to carry in his purse, and payment in Spanish coin, "which is the Current Specie of this Country,"<sup>21</sup> was not permitted.

The crown lost heavily by this permission because half the time tobacco did not bring a penny a pound—certainly not the kind of tobacco with which a man paid his taxes if nobody was watching. The fee for recording the baptism of a child or a wedding in the parish register was three pounds of tobacco, and life was full of similar fees and payments of small poundage of tobacco for services rendered or for small purchases. And, unless the average man were content to roll a wheelbarrow of tobacco, with steelyards tied to a handle when he went shopping, he would, perforce, be compelled to live on a charge account basis and accumulate debts to be paid in bulk at the ingathering of the next tobacco crop.

No one has ever sufficiently evaluated this fact of the lack of an abundant supply of small change in Virginia as vitally affecting the development of the community and the formation of social classes. The wealthier landed class, with large plantations and many indentured servants and slaves, could and did live on credit, expecting to pay all bills when the next crop went to market. By a strange and unusual result of the law of cause and effect, the low market price of his tobacco arising from the too great abundance of tobacco in a good crop year might leave even the wealthiest man heavily in debt after his tobacco had been sold, while in another year of crop failure the very high price to tobacco might leave him rolling temporarily in wealth. But the little man, who had neither the good credit of his wealthy neighbor nor two shillings of sound money to rub together in his pocket, and no way of getting any, might find his whole small acreage of "money" wiped out by a hail storm or ruined by drought or rain, or in too good a year find that his crop did not pay the cost of its cultivation.

The inevitable result of this was that Virginia, or more especially the Virginia east of the Blue Ridge Mountains where tobacco could be grown as a profitable crop, found it hard to develop a strong and in-

fluent class of small farmers and tradesmen. The conditions under which they lived favored the wealthy planters and their employees and slaves at the expense of the independent small farmer. The planter had back of him the credit of his land holdings, his slaves (who were a most valuable and salable kind of property), and his other property. He had his merchant agent in London, or dealt with the large Virginian merchant firms, through whom he was accustomed to sell his tobacco and to purchase his supplies of all kinds. In his dealings with his neighbors and in all other business transactions, he could always give orders upon his agents for the payment of definite amounts of money to definitely named persons, and these "orders" passed from hand to hand and were used as money by those who received them. Obviously, however, the value of these personal orders was dependent upon the credit of the drawer. But the small man, a "redemptioner," for instance, who had been sold into servitude for a period of years in order to be brought to Virginia, and who, after his freedom had been earned had received his fifty acres of land, had no such credit. He did not have as much credit as even the servant or employee of a wealthy planter. After he had built his log house, cleared some ground and planted his crops and a garden, his best chance for ready cash for immediate needs was a bit of trapping of fur-bearing animals in the woods.

Undoubtedly, in this fact of no sound money for the use of poor people is to be found one of the great reasons for the growing number of shiftless and improvident people who got into trouble because their world did not provide them sufficient means of self-respect through adequate ways of self-support. Those of greater self-control and better executive ability in the management of their own lives were enabled to pull through the weaker years, accumulate more land and rise through upbuilding of credit to higher planes of living, and for them the degree of their rise in both wealth and the social scale was dependent upon the extent of their own innate ability. The weaker ones, however, fell under the weight of conditions they were unable to overcome, and so they drifted out to become part of the fringe of squatters and runaways constantly being pushed back into corners in the more settled areas and into the mountain valleys, where they eventually became the sub-marginal "poor-whites" of the Tidewater and Piedmont and the so-called "Highlanders" of the Blue Ridge Mountains.

There were, of course, other reasons for the growth of this class. Very frequently felons sent over from England who either had served

their terms of servitude or had escaped, and others caught under charges of infraction of law or facing imprisonment for debt, ran away and became members of this outer group. But perhaps at bottom the most far-reaching cause in all these cases was the lack of real money and the financial insecurity under which the weaker members of the lesser privileged classes fell as victims.

In order to counteract this evil to as large extent as possible, Spotswood tried to do two things: first, to make the authorities in England see the importance of permitting the payment of taxes in Spanish and other foreign silver, which, as he said, was already in large use as current specie; and, second, to secure a more effective regulation of the tobacco trade. As far as currency was concerned, he evidently had little hope that England would devise a plan for colonial currency upon a sound basis, and there was very little sterling in the country. Spanish and Dutch silver coin was common, as it was in all the colonies, and there was always a good chance of securing a larger supply through the sending out of a few armed vessels to cruise around in the Spanish Main. A convenient black flag tucked away in a locker might do wonders in increasing the amount of the Spanish silver in circulation. He secured the passage, through the General Assembly, of a law fixing definitely the value by weight of all foreign silver when received as currency,<sup>22</sup> so as to be ready to take greater advantage of the anticipated royal permission to accept foreign silver by weight as legal tender. It was such a common custom to chop up into either two, four or eight pieces a certain Spanish coin, in order to get small change, that this coin became known as "Pieces-of-eight," and acceptance by weight was the only safe method of computing the actual value. The request for this validation of the only real coin which the colonists possessed fell upon deaf ears and the desired permission did not come.

The second step was the improvement of the tobacco trade and its stabilization by proper grading and care. Spotswood in 1713 secured the passage by the General Assembly of an act "For the Improvement of the Staple of Tobacco," which required all tobacco to be delivered to the government warehouses, called "rolling-houses," where it would be graded and held for shipment. Certificates showing the grade and amount of tobacco received would be delivered to the producer, and these certificates might be used as legal tender. The governor looked upon the passage of this act as one of the greatest achievements of his administration "because," as he wrote the board of trade, "it is look<sup>d</sup> upon as to be the most Extraordinary one that ever pass<sup>d</sup> a Virginia As-



sembly, and such an one as those persons to whom I first communicated my thought, . . . believ<sup>d</sup> I could never have compassed."<sup>23</sup>

Instead, however, of receiving the approval in England which he anticipated, the act ran a very rocky course until its final annulment by the king three years later. It had aroused a number of influential enemies in Virginia among those who profited by the lack of regulation of the tobacco trade and was opposed also by many of the leading merchants in England . . . who also profited greatly by the great fluctuations in the market value of the crop . . . and who never seemed to realize that whatever tended to stabilize conditions and develop a sounder basis of prosperity would tend also to the increase and advancement of their own business.<sup>24</sup>

So came to an untimely end, through the blindness of the authorities in England, who, above all others, should have been able to see clearly enough the purposes and value of the Act to support the governor in this effort, a plan which would have meant much for the welfare of Virginia, and without which it was forced to flounder in its fiscal quagmire of sporadic inflation and deflation for many years longer. The clergy, as a body, had been quick to see the value to them of the new law and had, at their convention in 1714, expressed to the Assembly their profound thanks.<sup>25</sup> As Spotswood had stated in his letter to the lords commissioners of trade, the operation of this act had greatly increased the value of the salary of every minister in that he was paid in a better grade of tobacco through the grading of the leaf at the rolling houses, and he was also saved the loss incurred through being forced to collect his salary in varying amounts of ungraded tobacco in different parts of his parish and to haul it to his own barns or storage houses for packing and shipment. But this improvement was brief. It went into the discard in the annulment of the act by the king.<sup>26</sup>

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When Spotswood came to Virginia in 1710, he found the remnants of nine conquered tribes of Indians living within the bounds of the colony and paying annual tribute to the governor. They were few in numbers, not having in all more than 700 persons including men, women and children, of whom about 250 were listed as hunters or fighting men. These tribes belonged to three distinct racial groups and the tribes of each group were more closely related in blood and comity with tribes of their own racial group in other sections of America than they were with tribes of other groups near whom they lived.<sup>27</sup>



To the north of Virginia, the Five Nations, having their center in the province of New York, dominated the whole Indian situation, while to the south the Cherokees and Choctaws were supreme over almost the whole section. In Carolina, and almost on the edge of Virginia, was a strong group of Tuscarora Indians who were allied with the Five Nations. The Indians of the different sections were in constant intercourse or conflict with each other, and to the back of the English settlements in Pennsylvania, Maryland, Virginia and Carolina were the well-beaten and constantly used Indian trails by which they passed from one section to another on both hunting and fighting expeditions. The wide dispersion of different racial groups and the constant intercourse of tribes in far separated sections made Spotswood perceive that the Indian question could not be settled by one colony alone but must be solved by a common policy carried out by all the colonies. Governor Nicholson had, during his administration, recognized the same fact, and both he and Spotswood endeavored to work out plans with the governors and legislatures of the colonies to the north, but with little abiding success.

Within two years after his arrival, Spotswood was thrown head foremost into Indian affairs by the warfare in North Carolina and an Indian unrest which seriously threatened to involve the tributary Indians in Virginia. He was called upon to send assistance to North Carolina to help resist the attack of the Tuscarora Indians after one of the Indian massacres in that colony. In the course of this warfare, the governor of North Carolina appealed to Spotswood to send two hundred militiamen for the reason that the population was so largely Quaker in many sections that he could not secure enough men to serve in the militia to protect and defend their own colony.<sup>28</sup>

By this time Spotswood had formulated a definite plan for the tributary Indians in Virginia by which he hoped to civilize and Christianize them and make them an asset rather than an incumbrance to the colony. His plan in brief was to establish three separate Indian reservations, each about six miles square, in different sections and in each reservation gather the Indian tribes of the same racial group.<sup>29</sup> By doing this all the Indians upon each reservation would be of one racial stock, having similar language and customs. After the Indians were thus gathered with ample space both for hunting grounds and a central town, the governor proposed to establish in each town a school for all the children and to place one, or, if necessary, two, ordained clergymen to serve as missionaries to the Indians and as pastors, also,

of the scattering white families living within accessible distance of the reservations.

As a further step in his plan, and indeed before the rest of it was put into effect, he made definite agreement with the chiefs of each of the tribes to send two sons of head men to Williamsburg as hostages and to be educated in the Indian School. In order to win their approval to this plan, he promised, if they would enter into it, that he would release the annual tribute which each tribe was expected to pay. This tribute consisted of three arrows and twenty beaver skins from each tribe and went to the governor as a perquisite of his office.<sup>30</sup> While the arrows may have been of no monetary value to him, the beaver skins, aggregating 180 skins from the nine tribes, being the most valuable fur which Virginia produced, was of very material value and meant a very considerable financial gift upon the governor's part. His idea was that, when these children of the most influential men were brought to Williamsburg, they would be placed in the Indian School at the College and receive their support from the income of the Boyle bequest, and he found the first check to his plans in the fact that the officials of the college declared that the income of the Boyle bequest was not sufficiently large to support these additional boys. He did not find either in the college or in the Assembly, or indeed on the part of the commissary himself, as far as there is any record, any interest at all in his plan. They said it was not feasible.

The surprising fact is revealed in the governor's letters to England that, while the whole intent of the Boyle bequest was to educate and Christianize Indians, the authorities of the college seem never up to that time to have devised a plan whereby the Indian School might be of any actual help to the Indians living in Virginia who, according to a strict interpretation of the will, should have been the first ones to benefit by it. The school was already in operation, but instead of securing its scholars from the Indian tribes within the colony the college had adopted the plan of purchasing a sufficient number of Indian lads of far-off tribes who had been captured in battle and were being sold as slaves.<sup>31</sup> Here again they said it was not feasible to take the children of nearby tribes. This seems an almost incredible thing, yet this is the flat statement made by Governor Spotswood.<sup>32</sup> One might wonder what happened to these little enslaved lads after they had been "educated" at the Indian School and "Christianized." Having been captured in battle and presumably their families and towns destroyed, they had no homes to go back to, and being from far-off places they had

no connection with the Virginian Indians. Being already owned as slaves by the Indian School, were they after graduation sold into domestic slavery or apprenticed to some master for a number of years?<sup>33</sup>

The situation being as it was, however, and the school filled with enslaved boys, it would certainly not have been "feasible" to put the eighteen free lads from the Virginian tribes into the same school with the slave boys. There is nothing to tell what really happened, but very shortly the slave boys were gone and the school so filled with the boys secured by Governor Spotswood that he was writing to the board of trade and to the bishop of London and others trying to devise some way to secure further funds for the support of these boys.<sup>34</sup> Whatever was the ultimate value of the Indian School in Christianizing Indians, he certainly forced the fund to be used for the benefit of Indians living in Virginia instead of being dissipated in the smattering of education given to enslaved boys from far-off tribes.<sup>35</sup>

Being checked, temporarily at least, in his efforts to have these boys supported by the Boyle Foundation and disappointed by the refusal of the House of Burgesses to make a grant to help support them, Spotswood wrote to the bishop of London to ask if any help could be secured in England and, specifically, if the Society for the Propagation of the Gospel would be willing to undertake missionary work among the Indians in Virginia by sending clergymen as missionaries to the proposed Indian reservations,<sup>36</sup> as well as helping to support the boys in the Indian School. No aid seemed to come from any source, and no appropriation was made to further the work he had undertaken. Perhaps the fact that Bishop Compton, missionary-minded friend and true father in God, as he had proven himself to the Church in the colonies during his long episcopate, had died during that year may explain the reason why. With Compton gone, there was no friend at court to plead the cause of a far-off group in such a strong and well-organized colony as Virginia.

Being thwarted at every turn, Spotswood determined to start the plan anyway at his own expense and show that it would work. So he chose one racial group, the Totos, Saponis, Occaneechis and Stegarkis, gathered them into a reservation on the southern boundary of Virginia in what later became Brunswick County.<sup>37</sup> To this community, as indicating his dominating purpose, he gave the name of Christ-Anna.<sup>38</sup> Here he established a school and employed the Rev. Charles Griffin as schoolmaster and missionary, paying his salary out of his own pocket. Within two years, he had the happy privilege of report-



ing that there were over seventy pupils in the school, and that Mr. Griffin had endeared himself to all the Indians by his ministry among them.<sup>39</sup> He took up again with the new bishop of London the request to secure the interest of the S.P.G. in this work, and upon the request of that bishop that he suggest a definite plan by which the work might be done, recommended that a subsidiary branch of the parent society be organized in Virginia, consisting of the higher civil officials, the commissary, clergymen and others.<sup>40</sup> Spotswood himself was made a member of the S.P.G. in 1717, in recognition of his missionary zeal, but the matter seems to have ended there.<sup>41</sup>

With far-seeing wisdom, Spotswood had realized that the subject of trade with the Indians must be taken into consideration and included in any comprehensive plan for their betterment. That trade had in itself great possibilities of helping in the civilizing of the race if such an object were kept in mind. The development of better conditions of living through the introduction of the ordinary equipment of civilized life and better methods of farming by the use of farm implements would far more quickly have changed the Indians from a nomadic state of living by hunting and fishing to the status of agricultural and pastoral life. But the accomplishment of that object would necessarily require that the trade be controlled by an organization in which the altruistic motive of benefiting the Indians and lifting them to a higher plane of living might exist side by side with the desire for profit. Without such a motive, the demand for quick profits would tend to confine the stock of articles offered for sale to those commodities mainly which the uncivilized Indian desired—guns, ammunition, beads, whiskey, blankets, etc.—whereas the motive of improvement of conditions and the desire to introduce the ways of civilized life would have of itself increased enormously in the long run the amount of trade and its profits by enlarging the field of needs and the demand for manufactured goods. To the Indian, accustomed to working his ground with a forked stick and dropping his kernel of seed corn upon a dead fish placed in the hole with suitable incantations, the introduction of proper iron tools, spade, hoe and rake, with instructions for their use, would have been revolutionary. Such an organization also, by the selection of a better grade of men to go as traders to the Indian tribes than the vicious and unprincipled men who so often were employed, would have saved thousands of lives and the many tragedies which occurred because of the realization by the Indians of the way in which they had been cheated and defrauded in their business dealings.



This trade had always from the beginning of the colony proven very profitable. Colonel William Claiborne, in the early days, had patented Kent Island in the Chesapeake Bay and settled it primarily as a trading post for his growing trade, and the injustice which rankled in his soul until he declared war against the first settlers of Maryland was that his patent had been overridden and taken away from him by the king's grant of the land to Lord Baltimore. So, also, the Dutch, going out from New Amsterdam and their settlements on the Delaware River, had developed a great trade; and indeed traders went out from every colony as each one was established. But the whole business was carried on without any regulation. While Virginia was enacting laws to prevent the sale of firearms to the savages, Dutch and French and unscrupulous English traders were supplying them with all they could pay for; and, during the colonial period, there were many thousands of English settlers who were killed by European guns and ammunition in the hands of the Indians. Sir William Berkeley is generally supposed to have been interested in the Indian trade of his day, and in 1710 there were quite a number of Virginians of wealth engaged in it and sending their traders out in all directions.<sup>42</sup>

Governor Spotswood conceived the idea of organizing a strong stock company which would take over the whole trade. He would give to those persons who had been previously engaged in it the opportunity of purchasing stock in the company and so to come together in an organization for improvement and regulation of the trade and thereby end the former cut-throat competition. He proposed also that this company should be made responsible for the improvement of conditions among the Indians by supporting out of the profits of the trade both the schoolmaster and the other missionaries who were to be placed in each reservation. The profits of such a stock company would have been enormous and, after paying sufficient tax to support the schoolmasters and clergymen on the reservations, would have yielded large dividends to the stockholders. But a still greater gain, perhaps, would have been the realization by the Indians of a sense of fair play and honest dealing, which should have done much to eliminate the great amount of friction and irritation against the whites arising from unfair dealing.

The bill prepared by the governor for the establishment of this stock Company was adopted by the General Assembly of 1714.<sup>43</sup> But here again the cupidity of individuals engaged in that trade who refused to go into the company and fought it and the shortsighted fear on the

part of the English merchants of anything that might seem to affect the flow of trade to and from England, together with the seemingly utter lack of perception of the moral and spiritual values involved shown in the governmental circles in England, resulted in such pressure upon the king that he annulled the act. After three years of operation, it went into the discard along with the act for the improvement of the staple of tobacco.<sup>44</sup> The governor was forced to close his school for the Indian children at Christ-Anna, and about all that was saved from the scrapping of a well-conceived plan for Christianizing and civilizing the Indians—and the best plan that was ever prepared in colonial Virginia—was that the schoolmaster, Rev. Charles Griffin, with his proven success in teaching the Indians, was transferred to the mastership of the Indian School at the college.<sup>45</sup>

One cannot but wonder how different the result might have been if Commissary Blair could have stood with the governor in fighting for this plan of Indian Christianization. Nothing could have been more fitting than that Blair, as the highest ecclesiastical officer in the Church, should have endeavored to line up the Church in Virginia behind such a missionary effort, and his powerful political friends in England might have been able to counteract the selfish interests which sought the destruction of the plan. But, certainly as far as this writer knows, Blair did not speak—and Church lost another opportunity through lack of leadership.

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It is the weirdest irony of fate that, while the carefully thought out and well-balanced plans of Governor Spotswood for the improvement of fiscal conditions and for the improvement of Indian conditions failed, through the antagonism of enemies whom he aroused, the one greatest and most far-reaching service which he rendered to the Church of Virginia lay in the strengthening of its solidarity by the defeat of the attack he made upon the right of the several parishes to select their own ministers. For, by this defeat, the Church in Virginia won finally, both for itself and for the Church in the other colonies, the status of self-government out of which grew the right of the laity of the Church to select their own rectors, and the right of a diocese to choose its own bishop, as these things and the consequent right of the laity to a full share in the government of the Church were later written into the Constitution of the American Episcopal Church.

As has been stated heretofore, Spotswood believed implicitly that

all political and personal rights, except such as had been specifically and in express words granted to the settlers in Virginia, remained still inherent in the sovereign, and, as he declared in one of his letters, he felt it as much his duty to protect the rights of the sovereign as those of the humblest private citizen.<sup>46</sup> He was very firmly convinced that one of these prerogatives was the right to nominate the incumbent of every ecclesiastical benefice, and that consequently the vestry of a parish had no rights whatever in the matter of the selection of a rector other than to accept some minister whom the governor, as the representative of the king, should nominate. Then, after the vestry had accepted the governor's nomination, it should "present" that person to the governor for induction into the temporalities of the parish. That right to select and appoint the minister of every parish was specifically given to the lords proprietors of the proprietary provinces of Maryland and Carolina by the charters granted by the king, and Spotswood's contention was, that inasmuch as the king had never specifically given to the people of Virginia this right, it still inhered in the crown. His conviction was strengthened by the fact that one of the instructions given him by the privy council, as representing the king, directed him to nominate the persons appointed to serve as incumbents of ecclesiastical benefices, or so he interpreted it, although his predecessors, who had received the same instruction, had never understood it in that way.

This interpretation placed by the governor upon his instruction was directly opposed to the custom, which had been universally observed in Virginia since King James abolished the charter of the Virginia Company in 1624, under which every parish through its elected representatives, the vestry, had selected its own ministers. This custom had soon developed from precedent to statute law. It is true that more than one of his predecessors had criticised the custom of vestries in refusing to present their ministers for induction as rectors, but none had denied the right of the vestries to select them. Commissary Blair had indeed included among his charges against Governor Andros the statement that Andros made no effort to influence vestries to present their ministers for induction. Although Blair recognized as keenly as every other critic of the Virginian custom the great value and importance of induction in the strengthening of a minister's position in his parish, he did not attack the right of the vestry to make presentation of a man of its own choice.

As far as both he and the colony as a whole were concerned, the matter had finally and conclusively been settled by the opinion ren-



dered by Sir Edward Northey in 1703.<sup>47</sup> The replies of the great majority of the vestries to the governor when that opinion of the attorney-general had been sent to them, as well as Commissary Blair's own personal knowledge of the attitude of the members of the Council,<sup>48</sup> made him see clearly that the Virginia Assembly would never enact a law requiring all vestries to present their ministers for induction; and the people of the colony would resist bitterly any attempt to enforce such a custom upon the authority of the law of England.

The demand of Governor Spotswood that the parishes should recognize his authority to appoint their ministers was indeed of far deeper import than the mere question of ecclesiastical procedure. It affected the whole civil life, as well as the ecclesiastical, of the colony. The people of Virginia were fully aware of the greater freedom and independence of action they enjoyed as compared with the colonists of the adjoining "provinces" of Maryland and Carolina. There were many who remembered the efforts of Charles Second to force them to receive the same palatinate form when he gave the Northern Neck, and later the rest of Virginia, to court favorites as proprietors. Nor had men forgotten the fight the colony had made to secure the removal of the "regalities" from the charter of the Northern Neck, nor the fact that, after the colony had flamed into rebellion in 1676, the very temper of the people had forced the king to buy back his grant of the rest of Virginia from the favorites upon whom he had bestowed it.

It was quite obvious in 1718 that other regalities also were involved in addition to the right of collation to ecclesiastical benefices. If the governor, as the king's representative, could seize the right to appoint ministers to parishes, he could seize also the other palatinate right, of creating counties, towns and forts, establishing new forms of courts and ordaining their methods of procedure, increasing the annual quit-rents and raising the price of public land to incoming settlers and the growing population. Whether or not the governor had his eye upon these other regalities, the leaders of Virginia's life perceived that beyond the abridgement of their freedom in ecclesiastical matters, the governor's attempt to seize the right of collation<sup>49</sup> was an opening wedge which would lead to other demands should they surrender this portion of their self-government.

Spotswood was too busy, in the earlier years of his administration, with fiscal conditions, Indian affairs, and other matters of wider colonial and intercolonial import, to raise the question of his right of selection of ministers.<sup>50</sup> Matters were, as a rule, progressing satisfactorily



in Church circles while, financially speaking, the prosperity of the colony was increasing under his administration in spite of the defeat of most important and far-reaching plans. The custom of having the bishop of London select the clergymen to send to Virginia had been in effect long enough to have served in great measure to stabilize conditions. A larger number of clergymen were offering and the incoming clergymen were proving so satisfactory, as a rule, that Governor Spotswood stated, in one of his letters, that the parishes were so happy to get the ministers whom he sent that they were not raising the question as to his right to collate them to the parishes.<sup>51</sup> Perhaps, however, a fact he did not perceive was that people in Virginia were waiting for some definite clear-cut case to arise in which they might present the matter to the best advantage to their point of view and so force the issue to a conclusion. And again there were sometimes even then occasional weak-kneed vestries just as there were sometimes timid clergymen who accepted arbitrary action rather than fight for their rights.

The matter came into the lime-light in the year 1717. The Rev. Giles Rainsford, an Irish clergyman who had been sent by the Society for the Propagation of the Gospel as a missionary to Chowan County, North Carolina, in 1712, had in 1714 come across the line into Virginia and accepted the charge of a parish in Nansemond County. About 1716 he returned to England on a visit. Another clergyman, the Rev. John Bagge, had come to Virginia about 1709 in deacon's orders only and for eight years had served as minister in charge of parishes on the Rappahannock River. He served in St. Anne's Parish and in Sittenburn Parish and possibly for a while in Hanover Parish. After the death in 1716 of Rev. Thomas Edwards, rector of St. Anne's Parish, Mr. Bagge held services in both parishes and served so satisfactorily that the vestry of St. Anne's presented him to the governor for induction. The governor of course could not, according to Church law, induct a deacon into the rectorship of a parish for the simple reason that, among other things, a deacon cannot celebrate the Holy Communion. Bagge was, therefore, advised to go to England for ordination to the priesthood and started upon that journey in June, 1717, bearing with him the testimonials, or title to orders, from both parishes.<sup>52</sup> Just before he sailed, a ship came in bringing three ministers, one of whom, Rev. George Seagood, went to Sittenburne Parish, and another, Giles Rainsford, being unwilling to return to his former parish in Nansemond, was sent to St. Anne's.<sup>53</sup> Both of these clergymen, therefore, went to parishes made vacant by the departure of John Bagge.

Upon the return of Mr. Bagge from England with his priest's orders in 1718, the governor immediately collated him to the rectorship of St. Anne's Parish without so much as a "by your leave" to Parson Rainsford and sent Bagge up to Essex County to the vestry of St. Anne's with a letter to the vestry notifying them that the governor had collated him. The vestry, with great promptness, wrote back to the governor to say that they would not receive Mr. Bagge but desired to present their incumbent, Mr. Rainsford, for induction. There seems to have been some informality of form about this letter from St. Anne's vestry and the governor, acting, strange to say, upon the advice of the Council,<sup>54</sup> declined to receive it; whereupon he sent a very heated letter to the vestry of St. Anne's in which he refused point-blank to induct Rainsford, dared them to bring suit to force him to do so, and warned them to be careful not to pay Mr. Rainsford any part of the salary lest they be forced to return it to Mr. Bagge out of their own pockets. He then proceeded to show, from his own standpoint, that he had the authority to nominate their incumbent and intended to do so. The vestry of St. Anne's very meekly obeyed the governor, accepted Mr. Bagge and sent Mr. Rainsford away.<sup>55</sup> He seems to have gone to Maryland and to have held a parish in that province for a number of years.<sup>56</sup> In this contest, the governor came off the victor with flying colors.

The very fact of the victory won by the governor in this case must have stirred Commissary Blair and his friends to action, and the scene of conflict was laid by the governor himself. Just as the controversy with the vestry of St. Anne's Parish came to its close, he offered a better parish to the incumbent of James City Parish and upon acceptance collated him to the new charge. It so happened that Colonel Philip Ludwell of Green Spring, an inveterate enemy of the governor, was a vestryman of this parish, and a brother of the commissary was also a vestryman. These two, together, doubtless, with the commissary himself, who had formerly been the minister of that parish, persuaded a majority of the other vestrymen to join with them in calling a minister of their own choice to the charge of James City Parish before the governor acted in collating a minister of his own selection. The vestry also warned the man of their choice that the call would be withdrawn if he should consult Governor Spotswood with regard to accepting it. The governor was very indignant about it and voiced his indignation in a letter to the board of trade.<sup>57</sup> It seems pretty evident that he didn't stop there but expressed his indignation so emphatically to the other

members of the vestry of James City Parish that they withdrew their former action and yielded to the governor's demands. The matter is not clear and no extant record either gives the names of the ministers involved or states any definite action, but on May 30, 1719, nine or ten months after the beginning of the matter, young Mr. Hugh Jones, of the college, in writing to the bishop of London, stated: "Thro' the favour of our good Gov<sup>r</sup> James City Parish has accepted of me to preach for two-thirds of the salary, 2 Sundays out of 3. But they still hire their Clerk to read prayers and preach every 3rd Sunday,—which may seem strange to your Lordship."<sup>58</sup> It would seem pretty clear from this letter that the governor had won another triumph and also perhaps explains why Mr. Jones, so recently arrived in Virginia, should have stood forth as a leader of the opposition to the commissary at the clergy convention of April, 1719.

In the midst of discussion, which must have been widespread throughout the colony, of the attitude of the governor and the encroachments he was attempting upon the customary usages in both civil and ecclesiastical affairs, the convention of the clergy was held in April, 1719. Called in the first place at the request of the bishop of London to discuss matters pertaining to the spiritual welfare of the Church, the members of the convention threw themselves wholeheartedly into the midst of the strife. The governor, himself, set the tune by a vigorous and fiery attack upon the commissary, and the clergy, under the leadership of Hugh Jones, carried it on with eager zeal.<sup>59</sup> One cannot but perceive the intense bitterness of feeling that pervaded the whole atmosphere of the meeting between those who sided with the governor and those who stood with the commissary. The question of direct collation to parishes by the governor, with its consequent institution into the actual rectorship, as compared with the method so generally in use of selection by the vestry upon the basis of appointment for a year at a time, would seem to have placed all the clergy solidly behind the governor. Yet there were "severall" who had become sufficiently identified with the interests and cognizant of the problems of the Church in Virginia to perceive and to declare that "they knew the Council and the commissary had been such constant friends to the clergy" that they were unwilling to turn against them.<sup>60</sup>

The question as to whether Commissary Blair had ever received Anglican ordination was injected into the discussions of the convention, and the atmosphere, like Nebuchadnezzar's furnace, was "heated one seven times more" by the commissary's flat refusal to present any ac-



tual certificate of ordination. He presented the certificate of the bishop of Edinburgh that he had been rector of the parish of Cranston in that diocese for some years prior to 1682<sup>61</sup> but refused point-blank to give any further information. "Take it or leave it," said his Reverence. As a result of that attitude, a report was made to the bishop of London that a full majority of the clergymen present were not convinced of his Anglican ordination, and Hugh Jones wrote the bishop that "most here believe Mr. Commissary never had any but Presbyterian ordination."<sup>62</sup>

The commissary, in making his defence to the bishop of London, stated categorically that he had received episcopal ordination and declared that he had shown to Governor Spotswood the license given him by the bishop of London in 1685, authorizing him to serve in Virginia.<sup>63</sup> But not even to his own superior, from whom he received his appointment as commissary, did he make the statement that was so obviously necessary, and which one might naturally expect him to make, to the effect that, upon certain specified dates, he had been ordained deacon, and then priest, by the Rt. Rev. A. B., bishop of the Anglican diocese of C. D. Even if he had lost his ordination certificates, which is quite possible, it is inconceivable that he could have forgotten the name of the bishop who ordained him, or the dates and places of his ordination. Actually, as has already been stated,<sup>64</sup> Blair was ordained by a bishop of Anglican consecration and by the forms of ordination in the Anglican Prayer Book. But that bishop was the head of a diocese in the Church of Scotland and not the Church of England, and Blair had been rector of a parish in the Church of Scotland. When he left his parish near Edinburgh in 1681 and went to England, he was still a clergyman of the Church of Scotland.

Whatever affiliation there may have been at that time between the Church of England and the Church of Scotland in its anomalous form of a Presbyterian Church with bishops of Anglican consecration in charge of districts, that relationship was definitely changed after the Revolution of 1688. With the accession of William and Mary to the throne, the Church of Scotland became finally entirely Presbyterian in both doctrine and administration, and the bishops of Anglican consecration together with the episcopally minded ministers and people were cast out of the Established Church of Scotland and became a dissenting body. Whatever affiliation there might be of the Church of England after that date would be with the dissenting Episcopal Church of Scotland, and not with the Established Church of Scotland.



While Commissary Blair could show to the convention at Williamsburg in 1719 his license by the bishop of London to serve in Virginia, he knew that his certificate of ordination would show that he had been ordained by a Scottish bishop as a minister of the Church of Scotland, and he could not show any certificate that he had been received into any diocese of the Church of England, or had held ecclesiastical preferment in any diocese. Whatever the affiliation might have been in 1685, Blair did not dare to say in 1719 that he was a member of the Church of Scotland, and he could not even say that he had become a member of the dissenting Episcopal Church of Scotland. He had no membership anywhere in the Anglican communion except in the Church of Virginia. And the law of Virginia declared very explicitly that "noe minister shall be admitted to officiate in this country but such as shall produce to the Governour a testimonial that he hath received his ordination from some Bishopp in England."<sup>65</sup>

This being his situation, Blair perceived very clearly that, if the facts came out, Governor Spotswood and his other enemies would seize avidly upon the evidence that he was not a minister of the Church of England; that he had broken the law which forbade anyone except a minister ordained by a bishop of a diocese in England to hold a parish in Virginia, and they would assuredly have demanded the revocation of his appointment as commissary. It would have been a fatal weapon in the hands of his enemies, and Blair very wisely kept silent and refused flatly to give any information about his ordination.

Stung to fury as Blair and Ludwell must have been by their defeat in James City Parish, they determined to take the matter more directly into their own hands with a vestry which they could influence more effectively. They turned to the vestry of Bruton Parish at Williamsburg, at the very seat of government, and persuaded it to undertake the case, not merely for Bruton Parish but for the whole colony. Commissary Blair, himself, had been the incumbent of Bruton for ten years but had never been inducted into the rectorship. Indeed, the vestry of that parish had gone upon record twenty-five years before to the effect that it would not present any minister for induction and would not call any minister upon any basis other than a contract renewable from year to year.<sup>66</sup> But, in view of the governor's attack upon its rights to choose whomsoever it desired, the vestry reversed its stand and presented James Blair to the governor for induction into the rectorship of the parish. The governor very promptly refused to induct Dr. Blair and the issue was immediately joined.<sup>67</sup>

Both sides had already prepared themselves for the contest. Governor Spotswood, in writing to the board of trade in August, 1718, had asked the board to secure for him the opinion of the attorney-general of England as to his right to collate a minister of his own selection<sup>68</sup> and had received in response opinions given by Richard West and by Sir William Thompson, the solicitor-general. These opinions very explicitly upheld the governor in his contention that the right of appointment to all ecclesiastical benefices in Virginia belonged to the sovereign and that the king had delegated this authority to the lieutenant-governor by specific instruction.<sup>69</sup> But the commissary and Colonel Ludwell also, not content with the opinion of Sir Edward Northey given in 1703, had written to England and secured from Sir Robert Raymond, of Lincoln's Inn, an opinion which was equally clear and explicit in its statements that the vestry of each parish had the right to select its own minister and to present him to the governor for induction; and that the governor had no right of collating to any parish a minister of his own selection until the vestry had failed for six months to exercise the right of presentation.<sup>70</sup>

Spotswood very triumphantly presented Sir William Thompson's opinion to the Council on December 9, 1719,<sup>71</sup> only to be met by the opinion of Sir Robert Raymond in the hands of his opponents. Undoubtedly, tempers flared and hot words were passed by both sides with great freedom from restraint, and names were called which the governor intimated later that he found it hard to forgive.<sup>72</sup> It was finally agreed, however, by both sides to present the matter to the General Court, in the form of a suit brought by the vestry of Bruton Parish against the governor, with the understanding that, whatever the decision might be, appeal would be taken to the king in council.<sup>73</sup> The matter was presented to the House of Burgesses as one which vitally affected every parish in the colony, and the General Assembly agreed to assume the cost of employing an attorney to prosecute the case.<sup>74</sup>

The matter never came to a judicial decision. The growing unrest in Virginia and constant appeals against the actions of Governor Spotswood eventually convinced the privy council that a change was necessary and Colonel Spotswood was removed in 1722. This served automatically to remove the case from the docket of the court because Spotswood had no further authority whatsoever. Consequently, the opinion rendered by Sir Edward Northey in 1703 stood because no one arose to attack it. It still remained recorded in the parish vestry books, where it had been entered twenty years before, and the vestries

showed that they were willing to ignore it if the governors would. Blair still continued to urge succeeding governors to collate men of their own selection where vestries failed to present, but the governors remained chary of raising the point. It was generally felt that, in view of the great difficulty of securing ministers from England, six months was too short a time anyway to give to the vestries to make their own selections.<sup>75</sup>

In the actual outcome, in spite of lack of final court decision, the vestries had won their case and continued to select their own ministers and employ them upon a yearly basis. Little by little, with the passage of time, more and more native-born young men went through the college into the ministry of the Church, so that by the time of the Revolution the majority of the clergy were native-born and far more closely identified with the interests of Virginia than of the Mother country. For that reason, they proved more satisfactory as ministers of Virginian parishes; but, during the whole colonial period, the impossible handicap of the bishop, as the only source of ordination and of real discipline and authority in ecclesiastical affairs, being three thousand miles away, made the custom of induction always too uncertain for general use.

Throughout the controversy over collation, Commissary Blair is the one strong figure who stands out as taking the lead in the fight of the people of the Church against the claims of the governor; and, because the General Assembly was engaged in a similar fight against the attitude of the governor toward their accustomed ways, the commissary was placed in a position of leadership in the whole conflict. The notable fact throughout the whole contest is that he stood in the forefront of a fight for ideals and established customs of self-determination and self-government against the governor's claims to autocratic power; and in so doing, although the majority of the clergy may have opposed him, he had behind him both houses of the General Assembly and the whole body of vestrymen and parishioners of the Church in the colony. Unquestionably, he strengthened enormously his position as commissary as far as the laity of the Church was concerned and won for himself a position as defender of Virginia's freedom which made for him many friends, and which he held until the end of his life.<sup>76</sup>

## CHAPTER XXI • NOTES

1. There is considerable confusion as to the date of termination of Sir Edmund Andros' service as full governor and the appointment of his successor. The present writer accepts as conclusive the fact that the journals of the Council refer to Col. Nicholson in exactly the same terms applied to Andros, as "his Majesty's Lieutenant and Governor Generall." See McIlwaine, *Executive Journals of the Council* from 1698 to 1704.
2. See a discussion of the absentee governorship in Leonidas Dodson, *Alexander Spotswood, Governor of Virginia, 1710-1722*, Appendix I, pp. 304-05.
3. Matthew Page Andrews, *Virginia the Old Dominion*, pp. 179-80, and footnotes.
4. Dodson, *Op. cit.*, 305.  
Governor Spotswood, writing to the board of trade on February 1, 1719/20, in suggesting that he be given leave of absence to come to England to report upon conditions in America, continued: "All I have further to Desire in case what I here propose is approved is, First, That the person who acts in the Administration during my Absence may be contented w<sup>th</sup> the perquisites of the Governmt, reserving to me ye Established Salary; for I do not suppose Y<sup>r</sup> Lord<sup>ps</sup> are unacquainted y<sup>t</sup> my Lord Orkney has one-half of ye Salary." *Letters*, II, 333.
5. For biographical data and sketch of the life of Alexander Spotswood, see Leonidas Dodson, *Op. cit.*, 1-5, and R. A. Brock, *Official Letters of Alexander Spotswood*, being Volumes 1 and 2 of the *Virginia Historical Collections*. See Vol. I, vii *et seq.*
6. One sees sometimes in modern historical or quasi-historical works a rather sneering reference to the fact that Spotswood patented large tracts of land under assumed names, as if there were something underhanded or fraudulent about it. There is no reason for such insinuation. Spotswood, in one of his letters to the board of trade, explained that his reason for patenting land under assumed names was because he did not think it quite dignified for a governor to be purchasing land as an individual from himself as the official who must execute the deed. (See Dodson, *Op. cit.*, p. 278 and footnote.)  
Apart from this opinion of his, there was actually no reason why he should not have purchased land openly in his own name. The price of unpatented land was five shillings for fifty acres to all purchasers, as fixed by the Act of 1705; and there was no accusation of his trying to secure it at a lower price. He was a bachelor at the time, with a salary of £1,600 besides his own private fortune; and the purchase of new land for future sale to actual settlers was generally considered in Virginia at that time to be a very safe and profitable investment.
7. For accounts of his iron mines and furnaces, see Kathleen Bruce, *Virginia Iron Manufacture in the Slave Era*, pp. 6-14. See, also, Dodson, *Op. cit.*, 229-31, 267-300, *passim*; Colonel William Byrd's account in his "Visit to the Mines."
8. Dodson, *Op. cit.*, 300-01.
9. *Ibid.*, 302-03.
10. A study of the index of Dodson's biography, and of Spotswood's *Official Letters*, will be, perhaps, the most effective way of securing information as to Spots-



wood's policies. See, also, the Introduction of McIlwaine's *Journals of the House of Burgesses of Virginia* in the volumes covering the meetings of the General Assembly held during his administration.

11. Spotswood, in his letter to the Council (or Board) of Trade dated October 24, 1710, wrote:

"The measures I had proposed to myself for detecting the persons concerned in that illegal Trade to Curracoa and St. Thomas's by examining the books of the Customhouse Officers and comparing the clearings of the Vessells with the Certificates of the Discharge of their Loading in the Plantations, have not given me the Light I expected. So that I am forced to have recourse to the means of finding out and examining the men that Sailed in those Vessells, and am not without hopes of making Discoveries sufficient to be the foundation of a prosecution against the offenders, and thereby discouraging a Trade so pernicious to her Majesty's Interest and Service." *Letters*, I, 18-19.

A footnote upon page 19, quoting from Perry's Virginia Volume, p. 550, states: "It was a common practice to carry out tobacco in barrels, entered as beef or pork, to conceal it under corn, and to mark the hogsheads with less than their real weights."

12. In his letter to the Lords Commissioners of Trade (i.e., Board of Trade), dated June 2, 1713, Spotswood wrote:

"Tho' the Country at present is very quiet, and the people generally easy and satisfied, yet I should be wanting in my duty to her Majesty if I did not represent that the Tobacco trade is now brought to that low Ebb, that the planter who depends entirely upon it is not able to Cloath his Family, and I cannot forbear expressing my fear of their soon falling into Manufactures of their own if this Trade be not speedily help<sup>d</sup> with some care in the Dutys laid thereon, or else with some new Regulation." *Letters*, II, 27-28.

Again on December 29, 1713, in discussing the value of his proposed Act for the Improvement of the staple of Tobacco, he wrote:

"By this means the staple of Tobacco will have a better Security for its perpetual Establishment and constant Encouragement than any other Manufacture, and the Propositions of several Countys which frequently used to be presented to ye Ho. of Burgesses for the setting up other Manufactures will not be so favorably heard in that House when the majority of its Members shall be engaged by their Interest to advance the making of Tobacco chiefly." *Letters*, II, 49.

13. *Letters*, II, 1-2.

14. *Ibid.*, II, 124.

15. *Ibid.*, II, 289. "What is urged from the Parliamentary practice in England cannot well be applied here, the Immemorial possession of the one bearing no proportion to ye Modern Practice of these new Colonys, where the Concessions of the Sovereign, either by his Letters Patents, the Laws of the Mother Kingdom, or those which the people are allowed to make for themselves, seem to be the Basis of all the Privileges they can Claim."

16. *Ibid.*, II, 291-92.

17. *Ibid.*, I, 20, 39.

18. McIlwaine, *Journal of the House of Burgesses*, 1702-12, p. 281.

19. *Letters*, I, 54-55; II, 97-98.

20. *Ibid.*, II, 68. And see Index, *sub* "Quit-Rents."
21. *Ibid.*, II, 68.
22. *Ibid.*, I, 55. Hening's *Statutes*, III, 503. See, also, Hening, IV, 51-53, an Act passed in 1712 for fixing the value by weight of all foreign gold, and of all English sterling coin either gold or silver upon a definite basis of exchange. It is interesting to note that the Act fixed the value of "milled coinage" only. The older unmilled coin was to be accepted by weight at the same price as the better grade of Spanish coin,—three pence three farthings per pennyweight, as compared with three pence two farthings for Peruvian and Mexican coins and the Dutch or German rix-dollar.
23. See Spotswood's own account of this law and what he expected to accomplish by it in his letter to the Lords Commissioners of Trade dated December 29, 1713. *Letters*, II, 48-91.
24. See Dodson, *Op. cit.*, pp. 51-54, for his account of this Act, and the fight made against it. This Act does not appear in Hening's *Statutes*. See Hening, IV, 37, for the title.
25. McIlwain, *Journal of the House of Burgesses for December 3, 1714*, p. 95.  
 "The House being informed that several gentlemen of the clergy attended with a message, they were called in and delivered their message in these words: "Mr. Speaker and Gentlemen of the House of Burgesses: We are sent from the Convention of the Clergy with their hearty thanks for the favours of this House, more particularly for making the law to prevent Frauds in Tobacco Payments, by which we are sensible our salaries will be much more valuable. We beg the continuance of the favour of this House and pray God for the good success of all your proceedings."
26. The order for the repeal of this law and of the Indian law (of which more hereafter) was issued some time in the summer or autumn of the year 1717. Shortly after it reached Virginia, the governor wrote to the board of trade on February 27, 1717/18:  
 "Immediately upon the receipt of his Majesty's Order in Council, I issued a Proclamation for repealing both ye Indian and Tobacco Laws but as the Country are almost generally sensible of the loss of the Tobacco Law so the Government found itself no less embarrassed by the repeal of ye Indian Law."  
*Letters*, II, 263.
27. The Tribes in Virginia were the following:  
 PAMUNKEYS, CHICKAHOMINIS, NANSEMONDS. These were Algonquin Tribes, survivors of the once powerful Powhatan Confederacy.  
 NOTTOWAYS, MEHERRINS. These were of Iroquoian stock and so related to the Tuscaroras of North Carolina and to the redoubtable Five Nations of New York.  
 SAPONIS, TOTEROS, OCCANECHIS, STEGARKIS. These tribes belonged to the Siouan or Dakota stock, which, for the most part, had removed west, fleeing before the power of the Iroquois.  
 This list of tribes is copied from Dodson, *Op. cit.*, 70-71. See also *Letters*, I, 167.
28. *Letters*, I, 149. In a letter to the board of trade, dated May 8, 1712, he wrote:  
 "The North Carolina Assembly passed an Act to raise £4,000 for prosecuting the war against the Indian enemy, and because they could not raise a sufficient body of men in that Province, where the Quakers make a great number of the

Inhabitants, they made application to me for an assistance of two hundred men from this colony."

29. See Note 27 for the proposed scheme for combining the tribes into racial groups. See, also, McIlwaine, *Executive Journals, Council of Colonial Virginia*, Vol. III, pp. 363, 365, 366, 367.
30. *Letters*, I, 25, and foot-note. The arrows were tribute for the land and the beaver skins for protection. See, also, *Letters*, I, 176, for the statement of the governor that this tribute came to him as one of his perquisites.
31. *Letters*, I, 122. Dodson, *Op. cit.*, 70-71.
32. *Letters*, I, 122, 124.
33. Dodson, *Op. cit.*, pp. 70-71, says the Indians charged that children sent to the School had been sold into slavery but gives no definite references.
34. *Letters*, I, 123-27.
35. For further account of the Indian School, see *supra*, Chapter XIX, p. 299. Also Lyon G. Tyler, *History of William and Mary College*, 1693-1907, pp. 11, 22-23. No adequate account of the Indian School seems ever to have been written.
36. *Letters*, I, 156, 174-5-6; II, 159.
37. The site of this school at Christ-Anna in Brunswick County near Lawrenceville has been marked with a highway historical marker. Even though it failed, it should still be of great interest as the location of an honest effort to Christianize and civilize the Indians.
38. *Letters*, II, 88.
39. Dodson, *Op. cit.*, 84-85.
40. *Letters*, II, 92; Dodson, 84.
41. *Letters*, II, 255; Dodson, 110.
42. For some of the difficult conditions of the Indian trade, see Dodson, 80-82.
43. This Act for the Better Regulation of the Indian Trade, which was approved by the Governor December 24, 1714, is not given in Hening's *Statutes*. For an account of it and description of its provisions and the fight made against it, see Dodson, 82-93.
44. The repeal of both Acts, the Tobacco Act and the Indian Act, was directed by an order in council of July 31, 1717. See Dodson, 93. It was announced in Virginia by a proclamation issued by the governor on November 12, 1717. See Hening, IV, 37.
45. Goodwin, *The Colonial Church in Virginia*, 275.
46. *Letters*, II, 291.
47. See *supra*, Chapter XX, p. 322.
48. See Appendix VIII.
49. Definitions of the legal terms used in this controversy may be of help in making clear the questions involved.

*Advowson*—was the right to select the minister who was to be given the charge of a parish.

*Presentation*—was the act performed by the owner of the advowson in giving official notification to the bishop of the diocese that the Rev. A. B. had been duly appointed rector of the Parish of C. and included the request that the bishop collate him to the benefice and induct him into the possession of the temporalities of his cure.

*Benefice*—meant the minister's cure, or field of service in its spiritual aspects as a cure of souls.

*Collation*—the official act of the bishop in admitting to the benefice the person presented to him.

*Induction*—the official act of the bishop in admitting the person presented to him to the possession of the temporal or property rights of his cure. In the case of the rectorship of a parish, it included the right to the possession and charge of the church buildings and other parish buildings, the possession and use of the minister's residence or rectory, the glebe farm, and also the salary provided. These temporalities given to a minister by induction constituted a life tenure for which, if necessary, he could bring suit under the law, and which could not be taken away from him without his consent during his lifetime except by his deposition from the ministry after a proper trial in an ecclesiastical court.

*The Ordinary*—was the title applied to the bishop when acting in his capacity of making regulations for observance in his diocese and in exercising extra-ecclesiastical rights, such as issuing probates of wills, special licenses for marriage without banns, and inducting ministers into the rectorship of parishes, and in granting the plea of benefit of clergy. A bishop could depute another person to serve as ordinary in his diocese. Following this analogy, the king, as temporal head of the Church, appointed the successive governors of Virginia as ordinary for that colony to perform such duties as a bishop would perform as ordinary in his own diocese.

50. Governor Spotswood had indeed broached the subject shortly after his arrival in Virginia. Writing to the bishop of London on March 6, 1710/11, he said: "The desire I have to promote the interest of the Church in this colony made me lay hold of all opportunity in my conversation with the representatives of our late Assembly to inculcate the justice as well as advantage of inducting their ministers, but I found them so cold on that subject and so little disposed to join with me, that I durst not venture to recommend it in a public manner." *Letters*, I, 66.
51. Writing to the bishop of London under date of June 13, 1717, Spotswood said: "I now acquaint you that we have still two parishes without any minister and one other that is supplied by a neighboring clergyman. These are all the vacancies at present, fewer than ever the Country knew before, and which it will always be remembered to y<sup>r</sup> Lo<sup>ps</sup> Hon<sup>r</sup> who have taken such great ease (Qu.: Is this a typographical error for "care"? ) not only to supply it as soon, but with such men, who have given y<sup>r</sup> Lo<sup>p</sup> proofs of their capacity for that Sacred Function before you sent them abroad to exercise it.  
 "I am in a particular manner obliged to thank y<sup>r</sup> Lo<sup>p</sup> for it as it eases me of some trouble w<sup>ch</sup> my Predecessors have met with in the settling of the clergy; but now the People are rather contending who shall have the Gentlemen y<sup>r</sup> Lo<sup>p</sup> sent than disputing my collating them." *Letters*, II, 254.
52. It was, and still it, the law of the Anglican Church that a minister cannot be ordained to the priesthood until he has received a definite call to the pastoral



charge of some cure of souls. This is called his "Title to Orders." Every young man who went from Virginia to England for ordination carried with him a definite certificate from the vestry of some parish that the said parish would accept the man as its minister upon his return after ordination, "provided the parish was vacant at that time."

In the particular case under discussion, according to the statement of Colonel Spotswood, John Bagge had title to orders from each parish.

53. See Spotswood's letter to the bishop of London dated June 13, 1717. *Letters*, II, 253. See, also, Goodwin, *Op. cit.*, under the names of Bagge and Rainsford. Also John Bagge's report to the bishop of London in 1724, in Perry, pp. 313-18.
54. McIlwaine, *Executive Journals of the Council*, III, 483, under date of September 2, 1718. Commissary Blair tried to explain it by saying it was "a very thin Council." Perry, 234.
55. There is a great deal of record available about this case. See:  
1—The governor's letter to the vestry of St. Anne's Parish in Perry, 203, *et seq.*  
2—Blair's reply to the governor's charges, Perry, 226-33.  
3—Blair's comments on the governor's letter to the vestry of St. Anne's Parish, Perry, 234-42.

Most writers have stated that this fight between the governor and the vestry was about induction. It was not at all about induction but about the question whether the vestry or the governor had the right to select the minister of the parish. The fight was about collation, and, strange to say, after the governor won his case and collated Bagge to the parish, instead of the minister whom the vestry had presented, Bagge was not and never was inducted as rector. See Mr. Bagge's report to the bishop of London in 1724, Perry, 315. The reason he was not inducted is not far to seek. The governor scared the vestry into dismissing Rainsford and accepting Bagge as its minister; but he did not scare its members sufficiently to force them to accept him formally and formally request the governor to induct him.

56. Rainsford seems to have remained in Virginia for a short while, as he was listed as one of the clergy of the colony absent from the convention of the clergy in 1719. But he very soon went to Maryland. He was living in Maryland in 1724 when he wrote a letter to the S.P.G. See Manross, *History of the American Episcopal Church*, p. 77.
57. See *Letters*, II, 292-93, under date of August 14, 1718. "I have lately preferred to a better Benefice the Incumbent of a Parish where Mr. Ludwell and Mr. Blair's brother are Vestrymen, these two bestirred themselves till they prevailed upon four more of their number to joine with them to dispute the power which his Majesty has thought fit to give his Governor of Collating to Ecclesiastical Benefices. Accordingly, they invited a Minister from another Living, and fixed him in their Parish by a vote of their Vestry, ordering likewise a fee for retaining the Ablest Lawyer they could get to maintain their cause."
58. Perry, 246.
59. See the journal of this convention of the clergy, the papers presented to it, and the answer of the commissary to the charges made against him in Perry, 199-242.
60. *Ibid.*, 225.
61. *Ibid.*, 247. Hugh Jones declared this was the only certificate that Blair presented to the convention.

62. *Ibid.*, 246.
63. *Ibid.*, 232.
64. See *supra*, Chapter XIX, p. 276.
65. Hening's *Statutes*, II, 46, Act IV, in the Code of 1662.
66. See the extracts from the vestry-book of Bruton Parish in the "Record of Bruton Parish Church," by W. A. R. Goodwin, revised by Mary F. Goodwin. This particular reference is to page 129, under date of April 3, 1695.
67. Perry, 321. The vestry-book, which would have shown the action of the vestry in determining to present Blair for induction is lost, and all that remains is the extracts copied in Goodwin's Record of Bruton Parish Church; which extracts do not show this action by the vestry. But Blair himself, writing to the bishop of London, said: "It was the Vestry of this Parish that gave me a Presentation."
68. *Letters*, II, 293.
69. See these opinions in full in Perry, 243-45.
70. Perry, 197-98, under date of November 17, 1718.
71. McIlwaine, *Executive Journals of the Council*, III, 517.
72. *Letters*, II, 335.
73. McIlwaine, *Executive Journals of Council*, III, 524; *Letters*, II, 335; Perry, 314-15, 321-22.
74. McIlwaine, *Journals of the House of Burgesses*, under date of December 15 and 20, 1720, pp. 301, 307; also Perry, 314-15. The name of the attorney selected is not known but the notes he assembled in preparation of his brief have survived among the *Ludwell Papers* in the Virginia Historical Society's Library. These notes have been published in the *Virginia Magazine of History and Biography*, XXII, 401 *et seq.*
75. Perry, 322.
76. As typical of a change in attitude of many people in high position in Virginia toward the commissary, it is interesting to note that Colonel William Byrd, who, in the Andros and Nicholson controversies, had been a most bitter antagonist of the commissary, and appeared against him in the hearing held by the archbishop and bishop of London in 1697, (Perry, 36 *et seq.*) was in his later years, in 1739-41, a very frequent visitor at the commissary's house and guest at his table. See the many entries to this effect in "The Secret Diary of William Byrd."

# The Church of Virginia After a Century of Life

IT so happens that there are now available three separate documentary reports of conditions in Virginia, made in the years 1724 and 1726, which when placed together and analyzed present a very interesting and more or less clear picture of the conditions of both Church and State in the colony at that time.

By the year 1724, the first century of struggle against adverse conditions had passed, and Virginia had developed the very definite forms of its own life and ideals. In civil life, she had established and made effective the local self-government under which she continued to grow until its flowering in the ultimate declaration of 1776 of complete independence of outside dictation or control. In her religious life, she had adapted to her own needs as best she could the religious forms of her mother land under the difficult conditions which the mother land herself had forced upon the colony.

This period of 117 years had seen both in England and her colonies the results of the change from absolutism of the sovereign to a constitutional monarchy; from a scheme of religion forcing conformity by the power of the sword to a modified toleration which had removed all penalties from participation in any Protestant form of worship. It had seen, on the one hand, the dying out of animosities engendered by the old conflicts of religion, and, on the other, the organization and beginnings of growth of the great Church promotional societies, with the consequent reaching out of the Anglican Church into all the other American colonies.

During that period, the Church of Virginia had been the stronghold of the Anglican faith in the New World, standing alone until, first in Maryland, and later in South Carolina, Pennsylvania and New York, the earliest parishes of Anglican faith came to their birth. By the year 1724, the Society for the Propagation of the Gospel was already well on the way of its great record as the nursing mother of the American Episcopal Church in all the original thirteen colonies except Virginia

and Maryland. By that time, the beginnings of a sense of relationship and community of interest between the parishes of Anglican faith and worship in the several colonies were coming into existence. The experience through which the Church in Virginia had gone in becoming acclimated to new conditions in a raw new land were proving of value in helping the organization of congregations and parishes in other colonies. Some of the first men sent by the S.P.G. as missionaries had received a training for service under the conditions of the American colonial life in Virginian parishes,<sup>1</sup> whereas, on the other hand, ministers sent by the S.P.G. to other colonies were beginning to come, after a few years of work in mission fields, into the more settled parishes in the Church in Virginia. For these reasons, a pause to consider the position to which the Church in Virginia had attained in 1724 may be of value before undertaking a study of the new problems and the unknown ways that lay ahead of her as the result of the Evangelical Movement and the beginning of the Great Revival.

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The three documents upon which a survey of the conditions of 1724-1726 may be based are:

1. A Report of the Present State of Virginia with Respect to the Colony in General; made by Lieutenant-Governor Hugh Drysdale in 1726. This has been published in the *Virginia Magazine of History and Biography*, Vol. XLVIII, pp. 141-52, 207-08.
2. A group of parochial reports made by twenty-eight clergymen, incumbent ministers of parishes in Virginia, to the bishop of London in 1724. These have been published by Bishop Williams Stevens Perry in his volume *Historical Papers Relating to the History of the Church in Virginia*, pp. 257-318.
3. *The Present State of Virginia*, a pamphlet written by the Rev. Hugh Jones, and published in London in 1724. This has been reprinted in America in 1865 as one of Sabine's Reprints.



I.

LIEUTENANT-GOVERNOR HUGH DRYSDALE'S REPORT  
OF THE PRESENT STATE OF VIRGINIA, IN 1726

This Report gives the names of all civil officials, all county officers, the number of militia, the names of parishes and of their ministers. Those items only which should be of interest in a study of the Church and of ecclesiastical conditions are here given.

COUNTIES AND PARISHES IN VIRGINIA IN 1726

<i>County</i>	<i>Owned Acreage</i>	<i>Square Miles of Owned Acreage</i>	<i>No. of Tithables</i>	<i>Estimate of Population</i>	<i>No. per Sq. Mile of Owned Acreage</i>	<i>Kind of Tobacco Raised</i>	<i>Parish</i>
Accomack .....	230,720	360.50	1,300	3,900	10.8	O.	Accomack
Brunswick .....			160	480		O.	St. Andrew's
Charles City .....	91,599	143.12	1,082	3,246	22.7	O.	Westover
Elizabeth City .....	33,748	52.73	813	2,439	46.6	SS.	Elizabeth City
Essex .....	181,101	282.97	2,472	7,416	26.2	SS.	South Farnham St. Anne's St. Mary's
Gloucester .....	164,013	256.27	3,421	10,263	40.0	SS.	Abingdon Petsworth Ware Kingston
Hanover .....	205,936	321.74	1,941	5,823	18.1	SS.	St. Paul's St. Martin's
Henrico .....	326,251	509.76	2,453	7,359	14.4	O.	Henrico Bristol (part) King William St. James
James City .....	87,217	136.27	1,347	4,041	29.7	SS.	James City Bruton (part)
Isle of Wight.....	214,966	335.88	1,844	5,532	16.4	O.	Warwisqueake Newport
King George .....			1,300	3,900		O.	Hanover Sittenbourn (part)
King and Queen	239,141	373.65	2,685	8,055	21.5	SS.	Stratton-Major St. Stephen's Drysdale

County	Owned Acreage	Square Miles of Owned Acreage	No. of Tithables	Estimate of Population	No. per Sq. Mile of Owned Acreage	Kind of Tobacco Raised	Parish
King William .....	212,582	332.15	2,389	7,167	21.6	SS.	St. John's St. Margaret's
Lancaster .....			1,249	3,747		O.	Christ Church St. Mary's Whitechapel
Middlesex .....	73,696	115.15	1,150	3,450	30.0	SS.	Christ Church
Nansemond .....	150,960	234.93	1,692	5,076	21.6	O.	Upper Parish Lower Parish Chuckatuck
New Kent .....	94,271	147.30	1,348	4,044	27.5	SS.	Blisland St. Peter's
Norfolk .....	123,632	193.17	1,188	3,564	18.4	O.	Elizabeth River
Northampton .....	106,093	165.77	1,044	3,132	18.9	O.	Hungar's
Northumberland.....			1,723	5,169		O.	Fairfield Wiccocomico
Princess Anne.....	123,612	193.14	1,046	3,138	16.2	O.	Lynnhaven
Prince George .....	188,231	294.11	1,624	4,872	16.5	O.	Bristol (part) Martin-Brandon
Richmond .....			1,450	4,350		O.	Sittenbourn (part) North Farnham
Spotsylvania .....	145,699	227.63	950	2,850	12.1	SS.	St. George's
Stafford .....			1,800	5,400		O.	St. Paul's Overwharton
Surry .....	228,770	348.01	2,049	6,147	17.6	O.	Southwark Lawne's Creek
Warwick .....	39,108	61.10	701	2,103	34.4	SS.	Warwick
Westmoreland .....			2,011	6,033		O.	Cople Washington
York .....	69,219	108.09	1,625	4,875	45.1	O.	Bruton (part) York-Hampton Charles
TOTAL POPULATION: Tithables 45,857; Estimate of Population 137,571							

## NOTE 1.

The "Owned Acreage" included all land that had passed into private possession by legal patent. There was always a great deal of land in the

frontier counties and some in perhaps all of the older counties which was unpatented and still held as public land. Although definite acreage is given for counties like Spotsylvania, Henrico and Prince George, it must be understood that their boundaries extended indefinitely westward toward the Blue Ridge Mountains and beyond. It is, therefore, impossible to estimate from this report the actual geographical area of any county from the owned acreage. The "population per square mile" is intended to convey simply an impression of the sparseness of population in the territory comprising the Owned Acreage and must be understood to be inaccurate because there might be, and usually were, perhaps thousands of unpatented acres of less desirable land in almost every county in the midst of the acreage that had passed to private ownership.

#### NOTE 2.

The purpose of reporting the acreage of owned land was to give information as to the amount of land upon which the quit-rent could be collected. This was an annual tax of two shillings per hundred acres and, while it was understood to belong to the king personally and the king could direct its expenditure, it was not as a rule taken by him for his own personal use in England but was applied to public uses in Virginia. It was usually expended within the colony, although sometimes it was used for the benefit of all the American colonies, as when in 1711 the great bulk of it was ordered by Queen Anne to be used to purchase pork for the use of the militia of the American colonies in the campaign against Port Royal in Canada.<sup>2</sup> It was, therefore, considered to be a most valuable and useful public fund. The total acreage in the counties in which it was given amounted to 3,330,565 acres. At two shillings per hundred, the total annual quit-rent amounted to £3,330.

#### NOTE 3.

The owned acreage of the counties in the Northern Neck was not given for the reason that the quit-rents arising from the land in those counties did not go into the public quit-rent fund. They were the personal property of Lord Fairfax, who had inherited the proprietorship of that section of Virginia from Lord Culpeper. His "Sacred Majesty" Charles Second, be it remembered, had shown his gratitude for Virginia's loyalty to him during his exile by giving away this large tract of Virginia's land to some of his favorites. Consequently, until the Declaration of Independence in 1776, Virginia suffered an annual loss of more than a thousand pounds sterling of revenue which, instead of being applied to public purposes, went into the pocket of an individual proprietor.

## NOTE 4.

The acreage of Brunswick County on the southern boundary of the colony was not given for the reason that, although the creation of the county of Brunswick and parish of Saint Andrew was provided for in the year 1720 in the same Act that created Spotsylvania County on the Rappahannock,<sup>3</sup> the actual organization of Brunswick County did not go into effect until 1732. It was intended to become the first organized county on the North Carolina border west of the "Great Dismal" (i.e., the Dismal Swamp). But in 1726 the dividing line between the two colonies, in spite of many efforts on Virginia's part, had not yet been definitely settled, and people did not know where it would actually run. There were many lawless squatters in this debatable territory who claimed the land for the one colony or the other according to their own desires; and because of the uncertainty there were only 160 known tithables or 480 persons recognized by the Virginian authorities as being legally resident therein. The line was finally run in 1728 by a joint commission appointed by the two governments,<sup>4</sup> and definitely marked. After that a period of three or four years was required before enough bona fide settlers could come in to organize stable county and parish government.

## NOTE 5.

The number of tithables, i.e., persons assessed for taxation, was reported by actual count because the amount determined upon for taxes, either civil or parish, was assessed so many pounds of tobacco per tithable. The tithables consisted of all free male persons over sixteen years of age and all slaves, both male and female, over that age. The estimate of population is usually computed at three persons for every tithable. The sparseness of population must be noted because of its influence upon the development of the Virginian way of life, both in church and in civil affairs. In 1726 the most populous counties were Elizabeth City, including the town of Hampton, with 2,439 population, or 46.6 persons per square mile of occupied land. York, including Yorktown and part of Williamsburg, with 4,857, or 45.1 per square mile; Gloucester, without any town, having 10,263, or 40.0 per square mile; and James City, having part of Williamsburg within its limits, with 4,041, or 29.7 per square mile.

In this connection, it is interesting to note that Commissary Blair, making his parochial report in 1724, stated that Bruton Parish, which included the whole town of Williamsburg, was about ten miles square and contained about 110 families.<sup>5</sup> This would make a town, including the immediately adjoining farms, of about five or six hundred freemen and perhaps half as many Negro slaves in addition, or about 750 souls. Williamsburg, besides being the capital, was the largest community in the colony and the only town with the exception of Yorktown and Hampton. York-



town, at the entrance to the York River, and Hampton, at the entrance to the James, were the two most important markets and ports of entry in Virginia.

This great sparseness of population inevitably affected the organization of the Church in its units of parochial administration. It forced the existence of parishes of large geographical extent in order to include a sufficient population to erect a church and support a minister. This, in its turn, immediately affected the ability of the parishioners to attend Church services regularly. Church buildings in such parishes were usually from eight to ten miles apart, and sometimes at greater distances in the more remote sections. While there was not much difficulty in securing horses, a walk to and from a church five or six miles away was not considered a burdensome thing. But all the household of an isolated farm or plantation could not usually go. In addition to the normal preventives of church attendance of storms and bad weather and the inability of the sick, the aged, and the mothers of young children, to go long distances, there were other difficulties arising from the possession of slaves and the employment of indentured servants. There was always a large element of irresponsibility among indentured servants, some of whom had been shipped to America because they had been proven to be failures at home and some perhaps "shanghaied;" and a great sense of insecurity connected with the use of slaves, especially those who had been captured in Africa and brought as unwilling victims to a life of bondage. It simply would not be safe for all the responsible and trustworthy men of any household or farm to go to church or anywhere else and leave untrustworthy servants or slaves in charge, especially if there were an unprotected mother and children in the house.

This was part of the price that slaveholding entailed. The danger was, perhaps, not so great in closely built-up communities, but in the tobacco growing colonies, where large farms and plantations were necessary, the danger of uprisings or other misconduct of slaves and evil-minded "redemptioners" was always a real one. No plantation owning slaves was ever safe except when under the physical protection of some person or persons with authority and with the power of lash and gun. Because the danger was always greater at night than in the daytime, church services were never held at night. Men should be at home to protect their families. This condition remained more or less true until after the Revolution and as long as regular importation of fresh slaves from Africa was permitted. After that trade was prohibited, and especially, with a growing sense of responsibility on the part of masters and mistresses for the religious and spiritual training of their slaves, the situation steadily changed for the better, until the record of the loyalty and faithful service to their masters, and the protection and care they, as a rule, took of their masters' prop-

erty during the War Between the States has become in our Southern States one of the happier recollections of that tragic period.

The only thing which could have changed that condition during the colonial period, apart from the cessation of the slave trade, would have been a more earnest and widespread care on the part of the white people to Christianize their slaves and train them in the principles of the Christian faith just as soon as they were able to understand the English language; but the importance of this was never generally realized and the matter never received sufficient attention. There were many cases where masters and mistresses were willing and anxious to do all they could for the spiritual welfare of their slaves but the majority of slaveowners paid no attention to it. Because the Church itself was not well enough organized to take a lead in the Christianizing of the Negroes, it was, perforce, left to the missionary zeal or lack of zeal of the individual minister to urge this duty upon the masters and mistresses in his parish or to ignore it.

NOTE 6.

The letters "O" or "SS", appearing in the report of each county was intended to indicate the kind of tobacco raised in the county. There were two grades of tobacco—one called "Oronoco" and the other "Sweet-scented." These two kinds corresponded perhaps in a general sort of way with the two kinds of tobacco still generally raised in southern Virginia called "Export Tobacco" and "Bright Tobacco." The Sweet-scented was a more pleasant and more popular tobacco for smoking than the Oronoco and always brought a much higher market price.

Because all financial prosperity and fiscal methods in Virginia were based upon tobacco, the land in the counties that produced Sweet-scented was much more valuable than that which raised Oronoco, and these counties became more prosperous. There was, also, much larger return in purchasing value, and consequently a higher rating in pounds sterling, in the salaries of those county and parish officials who were paid in tobacco if their leaf was Sweet-scented than if it was Oronoco.

As is shown in the parochial reports of 1724, while the minister in an "Oronoco" Parish received exactly the same number of pounds of tobacco as his confrere in a "Sweet-scented" parish, the purchasing power of the "Sweet-scented" parson ran from eighty to a hundred pounds sterling, while that of an "Oronoco" minister varied between forty and sixty-five pounds. Too much stress, however, should not be placed upon this fact in considering the welfare of the clergy. Notwithstanding the strong statement of Commissary Blair about the poverty of the clergy in many Oronoco parishes, the actual fact was that this poverty or comparative financial comfort and security depended upon the man himself and his ability to manage his own business affairs successfully. Many ministers taught school and thereby secured large increase of income, and, whether

or not the glebe itself was good farming land and well kept up, every minister who had the real desire to do so could secure land of his own and carry on his own farming operations. As far as either general culture or greatness of character were concerned, it may be noted that, of the six great and notable Virginians whose statues are grouped around the Crawford statue of Washington in Richmond, only two, Patrick Henry and Thomas Nelson, were from Sweetscented counties, and all the rest—John Marshall, George Mason, Thomas Jefferson, Andrew Lewis, and the great Washington himself, all came from Oronoco parishes.

NOTE 7.

The report made in 1726 by Governor Drysdale, from which the above statistics have been taken, included also a report showing the actual number of births and funerals in Virginia in the year 1725, listed by parishes.<sup>6</sup>

The number of births was given as follows:

Freemen .....	Male 1,174	Female 1,137	Total.....	2,311
Slaves .....	Male 607	Female 677	Total.....	1,284
<hr/>				
Grand Total .....	2,781	1,814		3,595

Assuming that the birth-rate in families of freemen and of slaves was the same, these figures would show a birth-rate of 26.13 per thousand of total population in the colony. It would also seem to indicate that, of the estimated 137,571 population in 1726, 64.3% or 89,154, were freemen, and 35.7%, or 48,417 were Negro slaves.

## II.

PAROCHIAL REPORTS MADE BY MINISTERS IN  
VIRGINIA TO THE BISHOP OF LONDON  
IN 1724

There are twenty-nine of these reports, but the first one, the report of the Rev. James Cox, minister of Westminster Parish, is wrongfully included and cannot be considered in the present study, for the reason that Westminster Parish was, and is, a parish in Maryland whose report was accidentally included by Bishop Perry among those from the Virginia parishes.<sup>7</sup>

The questionnaire sent by the bishop of London to every minister asked the following questions:

1. How long is it since you went over to the Plantations as a Missionary?
2. Have you had any other Church before you came to that which you now possess; and if you had, what church was it, and how long have you been removed?
3. Have you been duly licensed by the Bishop of London to officiate as a Missionary, in the Government where you now are?
4. How long have you been inducted into your Living?
5. Are you ordinarily resident in the Parish to which you have been inducted?
6. Of what extent is your Parish, and how many families are there in it?
7. Are there any Infidels, bond or free, within your Parish; and what means are used for their conversion?
8. How oft is Divine Service performed in your Church? And what proportion of the Parishioners attend it?
9. How oft is the Sacrament of the Lord's Supper administered? And what is the usual number of Communicants?
10. At what times do you Catechize the Youth of your Parish?
11. Are all things duly disposed and provided in the Church for the decent and orderly performance of Divine Service?
12. Of what value is your Living in sterling money, and how does it arise?
13. Have you a House and Glebe? Is your Glebe in Lease, or Let by the year? Or is it occupied by yourself?



14. Is due care taken to preserve your house in good repair? And at whose expense is it done?
15. Have you more Cures than one? If you have, what are they? And in what manner served?
16. Have you in your Parish any public school for the instruction of youth? If you have, is it endowed? And who is the Master?
17. Have you a Parochial Library? If you have, are the books preserved and kept in good condition? Have you any particular rules and orders for the preserving of them? Are those rules and orders duly observed?

In the following Table, certain questions, such as the frequency of holding divine service, how many cures are held, and if the minister was usually resident in his parish, have been omitted. The law required every incumbent minister to live within his cure and to hold service in his parish every Sunday and directed, further, that readers should be employed to hold service every Sunday in every church or chapel in which the minister,—because of plurality of houses of worship in his parish,—could not be present in person. While a minister might hold a small and weak parish adjoining and in addition to his own parish, or might act as temporary supply in a vacant parish near his own by giving week-day services, it was not permitted that any minister should hold two strong self-supporting parishes at one time. There is, therefore, no need of including these questions in the present table.

The answers given in this Table are not exactly in the same order as in the original questionnaire, and the answers to question No. 7, as to the existence of infidels and the efforts made to Christianize them, have been copied separately and inserted after a consideration of the answers given to the other questions. In this case, the statements made by the ministers themselves in their own words would seem to present a better and more interesting picture of conditions than any discussion of them could give.

P ARISH	MINISTER	Is He Inducted	How Long in Virginia Years	Number of Churches & Chapels	How Often H. C.	Average Number Communicants	When Catechize	Are Ornaments Provided	Salary	Glebe—Its Condition	Any Public or Endowed Schools	Size of Parish —Miles	Number of Families
St. Paul's, Hanover Co.	Zachariah Brooks	No	14	4	4 at Ch., 2 at Chpl.	100 at each	Spring and Fall	Yes	16,000 lbs. and cask, 3,000 addl. for Chapels	Yes. Worth nothing. House out of repair	No. Several private schools	60 x 12	1,200
James City, Mulberry Island	William LeNeve	No	2	1 1	4 4	25-30 50-60	Lent	Yes	60 pounds 30 Pounds	Glebe, but no house, £7 in lieu of house. Glebe rented	No	20 x 12 J.C.	78 Fam. 130 in cong. at J.C. 200 at M.I.
Bristol	George Robertson	No	31	2	3	50	In Summer	Yes	16,000 Ar-noco Av. £45	40 Acres. No house. Worthless	No public Several private	40 x 25	430 Families. Pretty full attendance; often more than there are pews for
St. Peter's	Henry Collings	No	2	1	3	40-50	Lent	Yes	16,000 Ave. £80	Glebe and house rented for £6-5 per ann. Vestry makes repairs	No public. Some private	20 x —	204 170-80 attend usually
Westover	Peter Fontaine	No	8	3	3	25 at each	April-June	Yes, at West-over, Chalice and Paten only at West-over; nothing at Wal-lingford Ch.	16,000	2 Glebes, no buildings on either. Rents one for £2. Min. bought and built own house	No public. 2 private	30 x 12	233 Families Two-thirds attend
Hungar's	Thomas Dell	No	3	2	6	80 in Parish	Summer	No. Lack nearly every-thing	16,000 worth £55	1,500 acres and house, cared for by vestry	No public	40 x —	365 Families. Scarce one-third attend
Newport-Chuckanuck	Thomas Baylye	No	5	3 1	8	40	In Lent	All except font and surplice	£50 to £70	No Glebe	4 public schools but none endowed	8 x 20	400 Fam. 500 constantly Mother Church, 500 the chapels together
Stratton-Major	John Skafie	Yes	14	2	4	220	Lent	Yes, except font	£80 this year	Glebe in good condition; vestry care for it	No public school	18 x 8	200 Fam. 300 attend on average
Wilmington	John Brunskill	No	8	3	3	100 in Parish	Lent	Yes	£80	Glebe in bad condition. One room and garret house for £2	No public Several private	30 x 9	180 Fam. No dissenters. Church well frequented
Blissland	Daniel Taylor	Yes	21	2	3	60-70	Lent	Yes	£80	Glebe of little value. No house. Land not rented	No public	30 x —	136 Fam. Greater parter attend
York-Hampton	Francis Fontaine	No	3	2	4	60 at York 20 at Hampton	Lent & 10 other Sun.	Yes	20,000 Val. £150	180 Acres and house occupied by self. Vestry make repairs	No public. small schools here and there	20 x 4	200 Fam. About 2% are commonly present.
Christ Church, Lancaster	John Bell	No.	12	2	3	60-80	Lent	All except surplice	16,000 Oro-noco Val. below £80	Yes, occupied by self. Cared for by vestry	No public	40 x 8	300 Fam. Almost all persons attend. 1,100 Tithe
South Farnham	Lewis Latane	No	24	2	4	50 at each	Spring	No	16,000	Yes, occupied by self. Cared for by vestry	No public	40 x 8	200 Fam.
Petsworth	Emanuel Jones	Yes	24	1	4	100 Ave.	Lent	Yes	16,000 £80	Yes, occupied by self. Cared for by vestry	No public Several private	22 x —	146 Fam. 300 attend on average

PARISH	MINISTER	Is He Inducted	How Long in Virginia Years	Number of Churches & Chapels	How Often H. C.	Average Number Communicants	When Catechies	Are Ornaments Provided	Salary	Glebe—Its Condition	Any Public or Endowed Schools	Size of Parish —Miles	Number of Families
Lawne's Creek	John Borden	No	8	2	3	12 at Church 20-40 at Chap.		All except surplice	16,000	Yes. Occupied by self No care by vestry	No school	120 x 10	165 Fam. 700 Tithables
Washington	Lawrence DeButts	No	3	2	3	"2 qts wine" frequently	Summer	Yes	16,000 £50	Yes. Occupy part, lease part. Repair at my expense	School master provided by endowment	30 x 5	200 Fam. Churches crowded
Elizabeth City	James Falconer	No	5	1	3	100	Lent	Yes	16,000 £65	Yes. Occupied by self. Cared for by vestry	2 Public, 1 private	50 mi. in circumference	350 Fam.; most attend. Few dissenters
Upper Parish, Isle of Wight	Alexander Forbes	No	14	1	3	10-20		Imperfect	16,000. £80 cur. £65 Stock.	Glebe not worth building on. I have no home but at my own cost	No public	60 x 21	165 Fam. 700 Tithables. Small proportion attend
Christ Church, Middlesex	Bartholomew Yates	Yes	24	3	6	230 in Parish	Lent	Yes	16,000	Yes. Occupied by self, cared for by Vestry.	No public	40 x —	260 Fam. Att. c. 200
Bruton	James Blair	No	39	1	4	50	Lent	Yes	16,000 £100	Yes. Occupied by self. No house	No public. 4 Priv.	10 x 10	110 Fam. Full congregation on some days
Acomack	William Black	Yes	16	3	3	200	March to Sept.	No chalice or anything decent as it becomes us	16,000 Rarely over £40	Glebe and house good for nothing, rented for £1. I do not live on it	1 Sch. Endowed by Mr. Sanford	400-500 Fam. 1,200 Tithables. Churches cannot contain all that come	400-500 Fam. 1,200 Tithables. Churches cannot contain all that come
St. Stephen's, King and Queen	John Goodwin	No	2	2	3	60	Lent	Yes	"In Tob."	Glebe & very poor house occupied by self but no repairs	No endowed. 2 or 3 private	30 x —	300 Fam. A good congregation
Henrico	William Finnie	No	14	3	6 at Ch. 2 at Chpl.	20	No	Yes, but people are not observant of devout postures	16,000 No cash. Not worth £65	Glebe occupied by self. "Parish backward in making repairs"	No	25 x 18	400 Fam. 1,100 Tithables
Southwalk	John Cargill	No	16	3	3	40-80	Lent	Yes	16,000 Av. val. 40 Ster.	Glebe and house. Parish refused to make repairs. I till the land but cannot live in house	No Public	20 x 100	394 Fam. Congregations very large
Abingdon	Thomas Hughes	No	8	1	3	60-70	Lent	All but surplice which was never used in this par.	16,000	Glebe occupied by self, cared for by vestry	A free sch. endowed with 500 acres, 3 slaves, cattle and household goods	40 in Cir.	300 Fam. Attendance generally good
St. Mary's	Owen Jones	No	20	1	4	100	Lent	No. Lack almost everything	16,000	Glebe occupied by self, cared for by vestry	No public	25 x 10	150 Fam. Attendance 150
Overwharton	Alexander Scott	No	13	3	6	80-100	Lent & Summer	Yes at church lack most at chapel	16,000 c. £40	Glebe; I lease it and live in mine own house	No public	80 x 30	650 Fam. Full attendance at church and chapel
St. Anne's, Essex County	John Bagg	No	15	2	3	50-80	No	No font. Many things wanted now ordered	16,000	Yes, I cultivate it and live on mine own farm	No public, several private	26 x 8	130 Fam. Between 100 and 180 come to church

*An Analysis of the Parochial Reports of 1724*

An analysis of the parochial reports of 1724 should be of great value as a study of the conditions under which the Church in Virginia labored, as declared by the clergy themselves. That was indeed the purpose of the bishop of London in calling for such reports, and they were called for from the clergy of all the colonies.<sup>8</sup>

Bishop Compton, who must always be looked upon as one of the founding fathers of the American Episcopal Church, had died in 1714 after an episcopate in the diocese of London of 39 years. His successor, Bishop John Robinson, does not seem to have impressed himself to any great extent upon the Church in the colonies, and matters continued moving under the impetus given by Bishop Compton. He was succeeded in 1723 by Edmund Gibson, who held the see of London until 1748. Bishop Gibson manifested a great deal of interest and a determination to do as effective a work for the welfare of the Church in the colonies as his restricted authority in that field would permit. As has already been stated, he secured by direct authorization from the crown a greater authority over the individual clergy of the Church in the colonies than any of his predecessors had ever had.<sup>9</sup>

The first action of his episcopate was his request that every Anglican minister incumbent of a parish in the colonies make a report upon a questionnaire sent to them all. Another questionnaire form was sent to the persons whom his predecessor had appointed as commissaries, but it would seem from the letter of Commissary Blair that the bishop delayed the renewal of commissions to the commissaries until these parochial and commissarial reports had been sent to him and he had had opportunity to make a study of them.<sup>10</sup> Their contents must have deepened his conviction and enabled him to press with greater realization of its need for the larger authority he was petitioning the crown to give him.

The reports of twenty-eight ministers of parishes in Virginia have been preserved.<sup>11</sup> In three cases, the minister reports that he has charge of another small parish in addition to a larger one. These three two-parish cures were James City Parish and Mulberry Island Parish in James City County, Newport Parish in Isle of Wight County and Chuckatuck Parish in Nansemond, and Christ Church Parish and St. Mary's White Chapel Parish in Lancaster County. This increases to thirty-one the number of parishes for which report was made.



When Governor Drysdale made his report of the present state of Virginia in 1726, he showed fifty-three parishes, large and small, in the colony. Within the intervening two years from 1724 to 1726, Wilmington Parish on the Chickahominy River had been dissolved and its territory divided between the four adjoining parishes<sup>12</sup> and St. Martin's Parish, covering the frontier in what is now the western part of Hanover and Louisa Counties, had been formed. But St. Martin's Parish, having been created by the General Assembly in 1726,<sup>13</sup> had not yet been organized but was still under the pastoral charge of the minister of St. Paul's Parish from which it had been cut off. Brunswick Parish, also, down in the debatable land on the North Carolina boundary, was on paper and had no organization.

Superimposing, therefore, the reports of incumbent ministers in 1724 upon the accurate list of parishes prepared in 1726, it can be seen that, while there were fifty-three parishes listed as being in existence in that later year, there were fifty-one that were actively organized units of ecclesiastical and pastoral administration. As in the three cases mentioned above, two parishes were in each case included in one cure, it appears that there were forty-eight pastoral cures in the colony. Commissary Blair, in sending his commissarial report to the bishop of London along with these parochial reports, stated that there were fifteen vacant parishes in Virginia at that time.<sup>14</sup> This would leave thirty-three cures from which reports should have come, but it must be inferred either that the reports of the delinquents, being sent later, were not preserved along with the earlier twenty-eight, or else these ministers failed to reply. Three of these cures were St. Paul's Parish in Stafford (now King George) County, Lynnhaven Parish in Princess Anne, and Hanover Parish in King George County. The ministers were David Stuart in St. Paul's Parish, James Tennent in Lynnhaven and John Prince in Hanover Parish. It was quite unusual that there should be as many as fifteen parishes vacant at one time, but other records show that the deaths among the clergy were more numerous than usual in the two preceding years, and even as Commissary Blair wrote several young ministers were en route from England to Virginia. Governor Drysdale's report two years later showed that there were then eight vacancies only, two of which were St. Martin's and Brunswick Parishes.

A most interesting fact concerning the length of pastorates in Virginia can be learned by comparison of the statement made by each clergyman as to the length of time he had been in the colony and the

number of years he had been incumbent of the parish for which he made report, with the fuller biographical sketches of these same ministers now preserved in the Virginia Diocesan Library.<sup>15</sup> Included in the twenty-eight ministers making report are the names of the two flagrantly offensive and unworthy clergymen, Bayly and Worden, concerning whom the commissary wrote to the Bishop of London and who were brought to trial and forced out even before Blair received his new commission from his bishop.<sup>16</sup> Let us drop them out of any consideration. Adding the three clergymen whose reports did not get in, Messrs. David Stuart, James Tennent and John Price, we have twenty-nine clergymen holding parishes in Virginia in 1724 whose tenure of parishes may be examined. Their records are as follows:

Three clergymen held the parishes they reported less than five years. Of these, two had freshly arrived in Virginia, held a parish for three years or less, and died in the process of becoming acclimated. The third held the parish mentioned for four years, then he went to another parish and died after three years' service. The total years of service of these three ministers was ten or not more than eleven years. Average 3.66 years.

Five clergymen held the parishes they reported between five and ten years each. Of these, three held their parishes for eight years and each pastorate was terminated by his death. Of the remaining two, each of whom held his parish for eight years, one removed to Maryland after a couple of years in another Virginia parish, and the other minister went to his second parish in Virginia and held that charge for thirty-five years. The total years of services in Virginia of these five clergymen was eighty-seven years. Average 17.4 years.

Five clergymen held the parishes they reported between ten and twenty years each. Of these, three had held one parish only in Virginia and died in its service. The other two had held more than one parish. The total number of years of service in Virginia of these five ministers was ninety-nine years. Average 19.8 years.

Eight clergymen held the parishes they reported between twenty and thirty years each. Of these, six held no other parish in Virginia and each one had given to one parish his lifetime of work. The other two ministers had in each case served another parish for two or three years before coming to the charge of the cure to which he gave the rest of his life. The total length of service in Virginia of these eight ministers was two hundred and nine years. Average 26.12 years.

Eight clergymen held the parishes they reported for more than thirty years each. Of these, four had never had any other parish in Virginia. One served as chaplain of a British man-of-war at Jamestown for two years and then spent forty-five years in one parish. One served a total of

fifty-eight years in the colony, during which time he held three parishes, the last of which he held for thirty-three years. The remaining two ministers each one held other parishes for three or four years before coming to the one in which he spent the rest of his life. The total years of service in Virginia of these eight was three hundred and sixteen years. Average 39.5 years.

Pastorates under five years.....	3
Pastorates between five and ten years.....	5
Pastorates between ten and twenty years.....	5
Pastorates between twenty and thirty years.....	8
Pastorates over thirty years.....	8
TOTAL.....	29

Total number of years these 29 ministers served in the parishes which they reported in 1724.....	609 Years
Total number of years these ministers spent in parishes in the colony of Virginia.....	724 Years
Average length of tenure of the parishes they reported in 1724 .....	21 Years
Average length of time they served in the colony.....	25 Years

Taking the above facts into consideration and the further fact that only one of them sought to improve his situation by going into the service of the Church in another colony, one must gain an impression of the stability of clerical life in Virginia. Notwithstanding all that Commissary Blair and others have written about the poverty of the clergy and the uncertainty of their tenure, the long pastorates shown by these records give pretty strong evidence of the contentment of the clergy with their situation. The reports show that only five of these clergymen were inducted into the rectorship of their parishes, the rest of them and the three whose reports were not included all holding parishes by agreement with their vestries from year to year. Certainly the lack of induction did not prevent the long tenure of cures shown in these reports.

Writers attempting to describe conditions of the Church in Virginia have frequently made the statement that ministers of parishes were discharged from their parishes by arbitrary vestrymen upon mere whims of dislike, or for no reason at all, and for that reason, the clergy of Virginia were so insecure in their positions that they could not do effective work. The above study of the length of pastorates of the clergy in 1724 absolutely blasts all statements of that kind as being based upon ignorance of actual conditions.

*Size of Parishes*

Every minister was asked to state the size of his parish, the number of families it contained, and the average attendance at church. In making these answers, as in stating the average number of persons who received the Holy Communion, the ministers were quite manifestly guessing. In an official report made by the governor two years later, the statement of owned acreage and number of tithables was necessarily accurate because taxation was based upon these facts, and sheriffs were required to keep correct figures and make true returns. But the ministers, although they were required to keep, and to report annually, accurate figures as to births and deaths in their respective parishes, were not required to make report of the matters concerning which the bishop questioned them. Their answers to these questions were in most cases guesses, and, therefore, entirely untrustworthy as regards accuracy of figures. Yet, for lack of better authority, they do help us form a picture of church life in Virginia at that time.

Using the number of church buildings in each parish, we may deduce the size of the parish in terms not of square miles but of the souls to be ministered to. It is true that these clergymen, in making their reports, did not always state the number of churches and chapels, but, in most cases, this information can be secured from other records. Where possible and necessary, this information as to the number of buildings has been made use of in this study of conditions. It will be seen that there is more or less distinct connection between the number of families and the number of church buildings.

Fundamentally, a parish in Virginia has always been considered to be a definite stretch of territory under the charge of one rector and one vestry. There may be more than one church building. Sometimes there were—and are—two or three or even four churches and chapels within its bounds, according to the number of families to be ministered to, but all operated under one unified control as a single ecclesiastical unit of administration and of pastoral care. Listing, therefore, the parishes reported in 1724 according to church buildings, there were nine which had one church building, twelve with two, eight with three, and one with four.

Another fact which is vital to the consideration of this matter is the question how many and what souls were included by the minister under the term "family." The family of a small land-owner might consist of



himself, his wife and one or more children. A family higher in the scale of wealth might own one or more slaves, or perhaps one or more indentured servants. In the case of a man of large wealth, there might be upon his home plantation a community of perhaps a hundred Negro slaves and five or ten indentured servants, including white housemaids, a tutor for his children, overseers and private secretaries, in addition to the personal family of himself, his wife and children. It seems evident to this present writer that the ministers, in estimating the persons who composed a family, did not include Negro and Indian slaves and possibly did not count persons in temporary bond or indentured service. The minister was thinking of the actual number of family units of free land-owning white settlers and the permanent residents of his cure. The estimate has been used here, also, that the average family in these reports consisted of five persons, which may, or may not, be too low an estimate.

Of the nine parishes reporting one church building, the number of families was not reported by two ministers. Of the remaining seven, five parishes had between 78 and 165 families, or between 390 and 965 population of white persons. The two other parishes reported much larger populations; Elizabeth City Parish, with 350 families, or 1,750 white persons, and Abingdon Parish in Gloucester County, with 300 families, or 1,500 white persons. This is to be explained by the fact that the small county and parish of Elizabeth City contained the town of Hampton; and Abingdon Parish, just across the York River from Yorktown, was perhaps the most thickly populated parish in Virginia; but neither parish was large enough to divide into two.

It would seem, therefore, that the average parish of small geographical extent might be about twenty miles long with a scattered population of seven to eight hundred white persons in a hundred and fifty families. The Upper (or western) Parish of Isle of Wight, the former Warwisqueake Parish, would be an exception. Its minister stated that his parish was sixty miles long by twenty-one wide, with one church for its 165 families. But this parish, like the others in Isle of Wight and Surry Counties, extended indefinitely southwestward into the debatable land between Virginia and North Carolina, and nobody in 1724 knew exactly where the boundary of the parish was. There were, in fact, very few settlers in that contested territory. The minister was making a statement of parish extent based upon Virginia's claim of ownership, but the population was centered near the James River in the northern section of the parish and did not extend in any appreciable number

far enough to justify the erection of a chapel of ease in the southern section.

Of the other parishes reporting, twelve had two church buildings apiece, or a church and a chapel, eight had three and one had four. It is very difficult to list them in separate categories because both the size and the shape of a parish would have to be taken into consideration as well as the population. Generally speaking, however, the number of church buildings depended more upon the population to be ministered to than upon the geographical area, although there are a number of exceptions. We may expect to find in a parish reporting a hundred and fifty families or less one church building; in parishes of 150 to 350 families two churches; and, when the number of parishioners increased much above that number, there might be three or even four churches and chapels.

An earlier recommendation of the Council of State<sup>17</sup> set as a sort of minimum that a new parish should have four hundred tithables and a new county, eight hundred. This would mean a population of about twelve hundred souls, bond and free, or white and Negro, as the minimum for a parish, or twenty-four hundred for a county. Reducing these figures back to families of white settlers and not including Negro slaves might mean that there would be about 160 families, more or less, in the parish. This, however, is pure guess-work and is given simply to help form a picture of conditions, even though confessedly a hazy one.

When parishes are reported as being unduly large in area, as St. Paul's in Hanover, Lawne's Creek and Southwark Parishes in Surry, Bristol in Prince George and Henrico, the Upper Parish in Isle of Wight and Overwharton Parish in Stafford, one must understand that these were frontier parishes reaching out into the great unpopulated expanses of the west, or the lands on the southern border. Each one was looking forward to the time when, with the steady incoming of new settlers, new parishes would be formed.

#### *Celebrations of the Holy Communion and Number of Communicants*

As regards the frequency of celebrations of the Holy Communion, the usual rule of the parishes in Virginia, as shown in these reports, was to celebrate that sacrament three times a year at or as near as possible to the three great feasts of Christmas, Easter and Whitsunday. Some ministers went further and had another celebration at or near the feast of St. Michael and All Angels on September 29. In some cases, ministers report having celebrations six or eight times a year, but this

usually means that, having more than one house of worship, he has included the celebrations at all of them. There does not seem to be any indication in these reports that any minister celebrated the Holy Communion at any one place of worship oftener than four times a year.

The number of persons who actually partook of the Holy Communion, as reported by the several ministers, seems to be exceedingly small in proportion to the number of families. Using every effort to be as accurate as the sometimes vague estimates given will permit, and taking those parishes only in which both the number of families and the average number of persons communing were given, it would seem that, in a number of parishes containing a total of 7,700 families, there were 3,337 communicants on an average at each of the three celebrations held during the year. In trying to guess at the total number of actual communicants, this figure must be considerably increased, for the reason that all the communicants can never attend every celebration. Even where the Lord's Supper was celebrated as infrequently as three times a year, and notwithstanding the fact that the canon law of the Church required every communicant to partake of the Sacrament on these three great festivals, it could not happen under the conditions of sparse settlement existing in Virginia that all communicants, or even seventy-five per cent. of them, could attend at any one celebration. It would, perhaps, not be too far out of the way to estimate that the actual number of persons in the 27 parishes, whose figures are here used, who would be looked upon as more or less faithful in coming to the Holy Communion, might be about 4,500. As the parishes reporting were twenty-seven of the forty-eight cures in the colony, it might be proper to estimate the number of active communicants of the Church in the whole colony of Virginia in 1724 at about 8,000 in a total of about 90,000 white people.<sup>18</sup> There were some Negro communicants, as will be seen from the reports of the ministers made upon that subject, but it would be impossible even to try to guess their number.

#### *Catechetical Instruction*

The answers made to the question as to the method in use of catechizing the children seem to indicate a more or less general rule of holding meetings for catechetical instruction on the Sundays during Lent and, in some cases, during the Easter season. The replies are vague, and no definite inferences can safely be drawn from them. The instruction given in these meetings was based upon the Church Catechism, which every child was expected to learn at home under the

tuition of his parents and godparents. It is quite possible, though there is no record bearing on the subject, that the more earnest of the ministers used these periods of catechetical instruction to determine the proficiency of the child in his understanding of the principles of the Christian faith and so be enabled to determine his fitness or unfitness to be admitted to the Holy Communion.<sup>19</sup>

It must, however, be borne constantly in mind, in considering such matters as the seemingly small number of actual and regular communicants in a population which, in most parts of the colony, was so predominantly Anglican, and the lack of any organized effort, or even definite sentiment for the Christianization of the Negroes, and indeed all the other serious and hurtful handicaps under which the Church in Virginia struggled, the reason can and must be found primarily in the one ever-oppressive fact. This was the inexplicable refusal of the Church of England and the civil government, and of the king as the temporal head of the Church, to complete the true organization of the Church in Virginia and the rest of the Anglican-minded colonies by sending bishops to organize, to lead and to administer the sacramental rites of confirmation and ordination. Through these sacred ways, the Anglican, along with the other great branches of the historic Church, has been taught throughout the ages to ask for and to expect to receive that divine Spirit of guidance, alike in individual lives and in the life of the Church as a whole. Whatever explanation of the fact may be made, the fact itself stands out as the great blot upon the history of the Church; that, for over a century and a half, the Mother-Church of the English race refused to provide for her American children the one and only way through which, according to her own belief, her corporate life and spiritual health could be assured. It is little to be wondered at that, in the end of the colonial era, the Church, to which so great a majority of the Virginian people had given their allegiance, fell into so dismal a state of collapse and was forced, for a long number of silent years, to surrender her God-given privilege of spiritual leadership, and indeed the actual preaching of the Gospel, into the hands of other Christian bodies who had learned to find God and to receive His power through other ways. The real cause for wonder, and for profound gratitude, is that the Anglican Church survived at all in the colonies in which it had been established.



*The "Ornaments" of the Church*

There is something of interest in the answers given to the question: "Are all things duly disposed and provided in the Church for the decent and orderly performance of Divine Service?" Every minister understood this question to inquire whether or not the regular and proper accessories were provided by the parish in the equipment of the Church building for the proper conduct of the service. These necessary things were usually called the "ornaments" of the Church. They consisted of:

1. The Holy Bible for reading the Lessons.
2. Two copies of a large size Prayer Book, one for the use of the minister and one for the clerk, who led the responses and led also in the chanting or singing of the psalter.
3. The vessels for use in the celebration of the Holy Communion; a Flagon, one or two Chalices and a Paten.
4. A "Carpet" or heavy cloth of silk, velvet or damask, to place on the Communion Table underneath the communion linen and the vessels.
5. The Communion Linen, consisting of a "fair white linen cloth" upon which the vessels were to be placed, and "a fair linen cloth" to be used in covering the vessels and the consecrated elements that might remain after all had communed.
6. The Surplice, to be worn by the minister while conducting the services of morning and evening prayer and the Holy Communion, and also at baptisms, marriages and funerals. Before preaching the sermon, the minister took off his surplice and put on his black scholastic gown, as the sermon was not a liturgical but a scholastic function. The vestry was expected to provide the surplice, but every minister was expected to have his own gown and bands. If the vestry did not provide the surplice, the minister wore his gown while conducting the service. Indeed, this custom of removing the surplice and putting on the scholastic gown for the preaching of the sermon continued in Virginia and very generally throughout the whole country until after the War Between the States.
7. The Pulpit Cloth, covering the reading-desk of the pulpit, and hanging downward therefrom as an antependium.
8. The Cushion, to be placed upon the pulpit, and upon which the sermon was laid as the minister preached. This cushion was looked upon with particular reverence throughout the seventeenth and eighteenth centuries of the Anglican Church, as being, so to speak, the stand upon

which lay the message which the minister in his prophetic function had prepared to deliver to the people. Throughout these centuries, it is obvious that, in the greater portion of the Anglican Church, the prophetic function of the minister was considered to be of greater importance than the function of the priesthood in the celebration of the Holy Communion. This was shown by the requirement that there must be a sermon every Sunday, while the communicant was required to come to the Holy Communion three times a year.

This cushion, whenever possible, was covered with rich silk or velvet and seems to have been given the honor that the Church of today gives to the communion vessels. One cannot but think that the Church of today sometimes errs too greatly on the other side by minimizing the prophetic function through its effort to magnify the importance of the Holy Eucharist. There is room—and need—for both in the Church of every generation.

9. The Font. It seems strange that this should have been considered an "ornament" instead of being held to be as essential a part of the Church as the Holy Table, but such appears to have been its classification.

Several of the ministers reported that their churches were not provided with fonts, and the minister of Westover Parish reported that, in lack of a font in Westover Church, there was a silver bowl to be used in baptisms.

One minister, the Rev. John Bagge in St. Anne's Parish, stated: "There is no font in the churches, and I generally baptize at the Communion Table, there being the most room in the Church."<sup>20</sup> Quite probably in all the churches and chapels which lacked fonts the bowl used for baptisms was placed on the Communion Table because the most room in the church was within the sanctuary rails. The earlier custom of the Church of England required the font to be placed either at the west door or the south door of the church. In the Virginia Church buildings, the square pew immediately within the west door was usually the location of the font, and there is no plan in existence of an early colonial church which shows any other location of the font than such a pew.

We understand from John Bagge's statement that the custom was gaining ground even in 1724 of bringing the baptism to the front of the church instead of being performed at the entrance to the building. The thought of having it in front of the people, so that they could conveniently take their part in it, instead of being performed behind them, would seem to have been a consideration, as well as the factor

of greater room for the parents and sponsors to gather within and around the sanctuary rail. It must be remembered, however, that, as stated by the Rev. Hugh Jones, it was becoming more and more common for baptisms to be performed at home on account of the long distances from the church in so many cases and the difficulty of carrying the children so far.

An analysis of the reports made by these twenty-eight ministers of parishes shows that fourteen, or exactly half, declared that all the ornaments were duly and properly provided. Four had all except the surplice; and the minister of Abingdon Parish in Gloucester County added the explanation "the surplice was never used in this parish."<sup>21</sup> One had all except the font. One lacked both font and surplice; and two reported that they had all the ornaments at the mother church of the parish, but none, or very few, at the chapels of ease. The remaining six parishes, two on the Eastern Shore, three on the Rappahannock River, and one in Isle of Wight, reported that the ornaments were not provided properly.

### *The Glebes*

The situation as to the possession and use of glebes by the ministers is a disputed one. As stated by Hugh Jones and some others, the fact of providing a glebe for the use of the minister was stressed without very much being said about its condition and value to the occupant. The law was mentioned as requiring every vestry to provide a glebe of two hundred or more acres and the further provision which ordered that this glebe be put into the possession of the incumbent minister whether he had been inducted into the rectorship or was employed by the vestry on a yearly tenure. This matter had been fought through the courts of the colony and had been definitely decided. On the other hand, however, the records show that, in many cases, the glebes were declared to be without value, and in some cases were said to have been withheld from the minister, and the impression is given that the situation as to the glebes was generally unsatisfactory.

Both of such classes of statement are true as regards particular cases and can be reconciled into a picture of conditions that will include both. It must be remembered, however, that, in any case of actual injustice or unfair treatment, the minister had the right to appeal to the General Assembly or to the governor and Council, or the General Court, and the fact of the continuance of an actual injustice would

seem to indicate either that the matter was not considered to be of sufficient importance or value to fight about, or that the minister was of a craven type and willing to cringe rather to stand up for his rights.

A study of the reports made by the twenty-eight ministers of 1724 as to their glebes is, therefore, of interest and will help in forming a clearer picture of conditions as they existed in the colony. Sixteen of the ministers report the situation as regards the parish glebe to be fairly satisfactory in that they make no complaint of unsatisfactory conditions. In eleven of these cases, the minister occupied the glebe as his home, and the vestry kept the buildings in repair. In three other cases, the minister leased the glebe to tenants and lived on his own land. In the remaining two cases, there was no house on the glebe and the minister either farmed the land or rented it to a tenant. There were special reasons in each of these cases why no house was provided. One of the parishes was Bruton Parish, and as its minister was president of William and Mary College and lived in the president's house, there was no need for the parish to build a house on his glebe. The other parish was James City. Inasmuch as the minister of that parish found it more convenient to live in the town of Williamsburg than within the confines of his parish, the vestry gave him £7 a year in addition to his salary for house-rent.

In twelve parishes, conditions were less satisfactory. In six cases, the glebes were declared to be worthless as farm land, the buildings in bad condition. In these the ministers rented their glebes to tenants for merely nominal sums and lived elsewhere, either upon their own land or in rented homes. In four other cases, the minister lived upon the glebe, but the vestry failed to make satisfactory provision for repair and upkeep of the buildings.

The last two cases may be considered separately. One was the notorious Thomas Bayly in Newport Parish. He reported that no glebe at all was furnished him. It is quite possible that, having left Maryland to come to Virginia, and with the increasing unsavoriness of his reputation, he preferred not to call too much attention to himself by going into court to demand his "rights" for fear that his action might prove a boomerang and give his vestry the opportunity to settle by court action his right to hold the parish, without waiting for the commissary to secure his renewed commission from the new bishop of London.

In the other case, the Rev. George Robertson, of Bristol Parish, reported that there was a "glebe" of forty acres but so utterly worthless that he had never cultivated it and so got no profit from it. The actual



fact, however, in Mr. Robertson's case was that he owned so much land of his own that it would seem he neither cared to take the trouble to make use of his little glebe or to go to court to force his vestry to provide a larger one. The records show that this minister patented 3,300 acres of land in his parish in 1721, 1500 acres in 1724, and 2,000 in 1728, a total of 6,800 acres of new land in less than ten years.<sup>22</sup> As he had come to the charge of that parish in 1692, and was now a man of mature age, he was perhaps taking up new land in order to settle his growing sons and daughters in homes of their own, or else, following the general and widespread custom of the day, he bought the land as a speculation in order to sell out at a higher price to *bona fide* settlers. There is no record appearing to show how much land he either bought or patented in his earlier years. Unquestionably, it would seem that he had preferred to purchase and develop his own land, which he could hold and care for as his own personal property and his home, rather than cultivate and develop land which would pass out of his possession whenever he should resign the charge of the parish.

It must be remembered, also, as a fact which was equally true then and now that, when a rural parish owns a glebe farm for the use of its rector, the condition of that farm as to fertility and productiveness at the end of any rector's tenure of the parish will depend entirely upon whether he has proven himself to be a good farmer or a poor one. A good pastor is not necessarily a good farmer, and his glebe farm may sink into gullies and general unproductiveness, while his people flourish under his spiritual ministrations. It is quite possible that the reason the six glebes reported as worthless had fallen into such a condition in 1724 was the lack of knowledge of methods of agriculture on the part of the incumbent ministers themselves or their immediate predecessors. It is also true that, without proper rotation and soil enrichment, tobacco, more than almost any other crop grown in Virginia, makes steady and continuing drain upon the fertility of the land upon which it grows. Because of the pernicious custom of using tobacco as the monetary medium, every minister would naturally desire to augment his income by raising his own crop of tobacco in addition to the salary the parish paid him; and he would be a rare tenant indeed, even though a minister, who could feel much responsibility for the preservation and enrichment of the land he occupied, when impelled by the desire to produce as large crops and secure as great financial return to himself as the land could be forced to yield. Land was too plentiful; and no one else gave such care to its preservation.

After all that can be said, however, as to the conditions of glebes and the reasons therefor, the fact remains, as a most important element in the consideration of the subject, that new land was so cheap in Virginia, except in the oldest and longest settled counties, and was so easily secured, that any minister who had any business ability at all could purchase and develop his own land and make his own home. At five shillings for a "headright" of fifty acres, a minister could patent for himself a farm of two hundred acres for twenty shillings, or one pound sterling. That meant he could secure such a farm of his own with the fees for four weddings. If he should apply to the purchase of land the "surplice" fees he received in an ordinary year he would be able to secure all the land he could normally make use of and more. These prices were, of course, for new land, but, even in the more thickly populated parishes, where the best of the land had previously been taken up, and where land had to be purchased at higher prices, the conditions would be most unusual if the minister found himself unable to purchase a satisfactory plantation for his own possession.

### *Schools, Public and Private*

In considering the situation regarding schools in the various parishes, one must understand first the wording of the question itself and the exact meaning of the term "Public School." Our present day conception of the public school as an institution established and supported by the state, to which all children resident in the community are admitted free of charge, had not as yet been born. The distinction made at that time between public and private schools was that a public school was established to admit the child of any citizen who was able to pay the charges for tuition, whereas a private school was organized to teach the children of a certain restricted group and the master could select the families from which he would admit pupils. The purpose of endowment of a public school, if and when large enough in amount to accomplish that purpose, would be to reduce, or even to abolish altogether, the charges for tuition, either of all the pupils, or of pupils of a certain group.

In answering this question, three ministers replied tersely: "No schools. Ten others stated: "No public schools." Ten ministers said that there were no public schools but in each case that there were "several private schools" in the parish. One minister, the incumbent of Newport Parish, replied that there were four public schools but none

endowed, by which he probably meant little more than ordinary private schools whose masters would accept all applicants who could pay the charges.

In the four remaining cases, there were schools which might be called public schools. The best known of these were the two, the Symmes School and the Eaton School, in Elizabeth City parish.<sup>23</sup> The next, and perhaps the strongest and best organized of them all was the Peasley School in Gloucester County, with its endowment of five hundred acres of land, three slaves and household goods. This school, established by Henry Peasley in 1675, was for the benefit of the two parishes of Ware and Abingdon. The land constituting its endowment was in Robin's Neck in Abingdon Parish, but the schoolhouse itself was just across the border in Ware Parish. It would seem most probable that the seventeenth-century brick building still standing north of Whitemarsh, and known as the old glebe house or rectory of Abingdon Parish, was adjacent or very near to the Peasley school-house. Rev. Thomas Hughes, the minister of Abingdon Parish, in his answers to this questionnaire, stated that "the Glebe of Abingdon was in the Parish of Weare." There would seem to be no reason for such a thing unless the vestry of Abingdon deemed it desirable that the minister of the parish should live at or near the school.<sup>24</sup>

The farm which constituted the endowment of the Peasley School was sequestered by the county authorities after the passage of the Act of 1802, but, with better luck than happened to many of the Church's endowments, this land was retained by the county for school purposes. It was sold shortly after the state of Virginia established its present system of public schools in 1870 and the proceeds of the sale set up as an endowment fund, the income of which is still used for the support of the public schools of Gloucester County.

Of the remaining two endowed public schools, one was in Accomack County and Accomack Parish—an endowment established by "Mr. Sanford." This was the Rev. Samuel Sandford, who was minister of Accomack Parish for some years near the end of the seventeenth century. Under his will, written in London in 1710, he devised 3,420 acres of land in that parish for the education of poor children.<sup>25</sup>

The last school was in Washington Parish in Westmoreland County and perhaps should not be called a public school at all. In this parish, the peculiar condition existed that a glebe farm of 440 acres had been given to the parish under the will of an unknown donor, who directed that it be used for the support of the minister of the parish and of a

schoolmaster. The vestry placed the whole tract in the possession of the minister, with the understanding that he would provide the salary of a schoolmaster. .

It must be remembered that these reports covered 28 of the 48 cures in the colony, and there is no reason to think that conditions differed in the non-reporting cures from what were shown to exist in those that reported. The custom was already in existence and growing in popular favor, continuing indeed in larger volume until the Revolution, of bequests or other gifts of money or land for purposes of education. There were, even in 1724, more endowments for education of poor children than were reported in these questionnaires. Some conveyed large tracts of land, and some were very small in amount. These gifts were usually made to the vestry of a parish, and in the case of endowments too small in size to support a school under a distinct name the income of the endowment was used to pay the tuition charges of needy children at private schools already in existence.<sup>26</sup> It would seem most probable that, even in those parishes in which the minister reported "no schools" or "no public schools," there were private schools in existence in sufficient number as a rule to supply the demands of the people.

The situation in the colony as regards education is hard to analyze because the educational needs of the people were permitted to develop, without either civil or ecclesiastical leadership, under the law of demand and supply. Governor Berkeley, in 1671, had declared the custom of Virginia as regards education of children to be that every householder was expected to look after the educational needs of his own family,<sup>17</sup> and this remained the rule for two centuries longer.

This family responsibility for the education of its children was reflected in the requirement which was usually, if not invariably, written into the instrument by which churchwardens bound out orphaned children as apprentices, or gave the charge of such children to masters and mistresses who would care for them. This provision was that the child should be taught to write, to cipher, and to read the Bible. As an illustration of the care a vestry took to enforce this requirement, we find in the vestry book of Petsworth Parish an order that, if a master had failed to teach the child to read and write by the time the age of thirteen years was reached, the child should be taken from that master and bound out to another who would be more conscientious in attending to that duty.<sup>28</sup>

Without doubt the establishment of the College of William and Mary tended to help the situation as regards the instruction given in



primary schools. Inasmuch as a definite requirement for admission to the college was necessary, this very fact served as a guide to teachers and family tutors in arranging subjects and courses of instruction. The whole situation, however, remained without adequate leadership. As early as 1683 Bishop Compton, in his zeal for the welfare of the colonies, had secured the adoption of an order by the king, in his instructions to the governor of Virginia, directing that all schoolmasters intending to teach in Virginia must receive the license of the bishop of London and further directing that all schoolmasters then at work in the colony must appear before the governor and receive his approval and license.<sup>29</sup> It was found, however, in actual practice that this rule could not well be enforced.

There never was, during the whole colonial period in Virginia, any definite or organized plan or system of primary education. Outside the college itself and its grammar school, and such well established schools as the best endowed public schools and private schools like that of Donald Robertson in Essex County from 1758 to 1769,<sup>30</sup> the best schooling in Virginia was given by the incumbent ministers of parishes themselves. A very large number of the ministers in each generation, perhaps the majority of them, taught schools either as the customary private schools, or as tutorial classes for the sons of a few of the neighboring gentry. A well-known story of this kind of school was that of the boy, George Washington, crossing the Rappahannock River daily from his childhood home at the Ferry Farm opposite Fredericksburg to attend the school taught by the Rev. James Marye, the minister of St. George's Parish.

Indeed, an appreciable part of the great contribution made by the clergy of the Anglican Church as a class to the life and development of the colony of Virginia was the lessons in culture and refinement and the love of the finer things of life instilled by them through their labors as schoolmasters to the youth of their parishes.

*Replies of Ministers to the Question "What Means Are Used for the Conversion of Negro 'Infidels'?"*

ST. PAUL'S, HANOVER: Negroes are baptized when they can say the catechism, and when their masters desire it.

JAMES CITY: I have examined and improved several Negroes and plan to use Directions of S.P.G. and hope to plant a good seed.

BRISTOL: I have exhorted Masters to send their slaves to church to be catechized but they would not. Some Masters instruct their slaves at home and so bring them to baptism but not many such.

ST. PETER'S: Some of the Negroes are suffered by their Masters to be baptized and to attend on divine service but others are not.

WESTOVER: I take all opportunities both public and private to exhort all masters and mistresses to instruct their slaves in the principles of Christianity at home, and to send them to church to be examined and instructed by me during the time of catechetical exercise.

HUNGARS: No means for converting Negroes but by ordinary preaching.

NEWPORT: "For their conversion, baptism after instruction."

STRATTON-MAJOR: Generally Negroes are unbaptized. They that desire it have it, the Church is open to all.

WILMINGTON: The Negroes generally live and die without the Christian religion. Masters cannot be persuaded to instruct them.

BLISLAND: Those Negroes that are capable of instruction, and (Negro) children, my own and many others I have instructed and baptized.

YORK-HAMPTON: I exhort their Masters to send them to me to be instructed, and in order to their conversion I have set apart every Saturday afternoon and catechize them at my Glebe-House.

CHRIST CHURCH, LANCASTER: A good many that understand not our language nor me theirs. The Church is open to them, the Word preached, and the Sacraments administered with circumspection.

SOUTH FARNHAM: No means of conversion except divine service, which few of them attend.

PETSWORTH: Such negro slaves as are born in this country their masters very often bring them to read, and send them to the Church or minister to be further instructed that they may be baptized, and many are so.

LAWNE'S CREEK: Some Masters will have their slaves baptized and others will not by reason that they will not be sureties for them in baptism. If the slaves live not afar off they come to church or chapel.

WASHINGTON: Negro slaves, some of whom being duly instructed I have admitted to baptism and the Lord's Supper.

ELIZABETH CITY: The owners are generally careful to instruct those that are capable of instruction and to bring them to baptism. But it is impossible to instruct those that are grown up before they are carried from their own country, they never being able either to speak or to understand our language perfectly.

UPPER ISLE OF WIGHT: As soon the Negroes are able they are taught and baptized by the care of some masters; but this is too much neglected by many.

CHRIST CHURCH, MIDDLESEX: Some few slaves have been born here when of teachable disposition, and their masters allowing them time to come to me, upon instruction and examination have been publicly baptized, and also some children of such have had baptism; some also every Sunday attend Church.

BRUTON PARISH: I encourage the baptizing and catechizing of such of the negro slaves as understand English, and exhort their Masters to bring them to Church, and baptize the infant slaves when the master or mistress become sureties.

ACCOMACK PARISH: There are a great many Negroes who come to Church; of such I have baptized since I came about two hundred, and instruct them at their Master's houses.

ST. STEPHEN'S PARISH, KING AND QUEEN: As in other places.

HENRICO PARISH: Their masters do no more than let some of them now and then go to Church for their conversion.

SOUTHWARK PARISH: As to the negro slaves there are some of their masters on whom I do prevail to have them baptized and taught, but not many.

ABINGDON PARISH: No other method but the public preaching of the Church, their masters allowing them no other time.

ST. MARY'S PARISH: Particular means discouraged.

OVERWHARTON PARISH: The children, and those of them that can speak and understand the English language we instruct and baptize, if permitted by their masters.

ST. ANNE'S PARISH, ESSEX: There are six free negroes; many negro slaves and but very few baptized, nor any means used for their conversion, the owners generally not approving thereof, being led away by the notion of their being and becoming worse slaves when Christians.

## CHAPTER XXII • NOTES

1. Among the ministers who went into the mission fields of the S.P.G. after prior service in Virginia were the Rev. Samuel Eburne, the first resident missionary of the Society sent to New England, who was minister for several years at Bruton Parish at Williamsburg; and the Rev. William Andrews, first missionary to the Indians at Albany, New York, in 1712, who had previously held parishes in Essex County and on the Eastern Shore of Virginia. See Goodwin, *Colonial Church in Virginia*, pp. 266 and 246, and the Index of the *Digest of S.P.G. Records*.
2. See *Letters of Alexander Spotswood*, Vol. I, p. 150.
3. Hening's *Statutes*, Vol. IV, pp. 77-79. This, however, is not the full text of the Act, but a sort of synopsis. Photostat copies of the original Act may be found in the Virginia State Library and the Virginia Diocesan Library.
4. See William Byrd's *History of the Dividing Line*.
5. Perry, *Virginia Volume*, p. 299.
6. This report of births and funerals has been published apart from the rest of the Report of 1726 in *Virginia Magazine of History and Biography*, Vol. XXXIII: pp. 207-8.
7. See Perry, *Op. cit.*, pp. 261-62.
8. Cross, the *Anglican Episcopate in the American Colonies*, 52-53.
9. See *supra*, Chapter XVII, pp. 228 *et seq.*, and XX, p. 324.
10. See the letter of Commissary Blair to the bishop of London, urging that the renewal of his commission as commissary be sent as soon as possible so that he might be able to proceed against two clergymen guilty of misconduct. Perry, *Virginia Volume*, pp. 252-53.
11. Perry, 261-318.
12. Hening's *Statutes*, IV, 141. This act is given by title only. It has been published in full elsewhere.
13. Hening's *Statutes*, IV, 180. Given by title only.
14. Perry, 257-61.
15. These biographical records, or as much of them as had been gathered in 1927, have been published in the appendix of Goodwin's *Colonial Church in Virginia*, beginning on page 243.
16. Perry, 252-53.
17. McIlwaine, *Executive Journals of the Council of Colonial Virginia*, II, 181, under date of August 26, 1701. The requirement of 800 tithables for a minimum in a new county was enacted into law in 1705. See Hening, III, 284.
18. It is interesting to note that in the parishes in Henrico, Surry, and Isle of Wight Counties, the number of communicants seemed to be smaller than in any other section of Virginia. It was in these counties that the Quaker element was strongest. That denomination was by no means insignificant in numbers in these counties at that time. There were possibly more Quakers in Henrico County than in any other county, and doubtless it was the strong Quaker influence that forced the minister, Rev. William Finnie, to report to the bishop of London that "the people are not so observant of devout postures as could be wished."



19. The Rev. Hugh Jones, in his *State of Virginia*, published in 1724, laments that there was no well-established and general rule about admitting children of suitable age and training to the Holy Communion. See *infra*, p. 398.
20. Perry, *Op. cit.*, p. 316.
21. *Ibid.*, p. 309.
22. McIlwaine, *Executive Journals Council of Colonial Virginia*, Vol. III, p. 541, IV, 70; *Virginia Magazine of History and Biography*, XXXIII, 387.
23. See *supra*, Chapter XV, p. 179.
24. Perry, 308-09. By 1756 this endowment had increased in value sufficiently to support two Schools, one in each Parish. See Hening, VII, 41-43, for the Act authorizing this.
25. Goodwin, *Colonial Church in Virginia*, p. 304. Meade, *Old Churches, Ministers and Families in Virginia*, Vol. I, p. 265.
26. See in the *Vestry Book of Christ Church Parish, Middlesex County*, the accounting made by the vestry of the money received from such bequests. Chamberlayne, *Vestry-Book of Christ Church Parish, Middlesex County*, pp. 50, 71, 265, 273, and elsewhere in the topical index *sub* Free School.
27. Hening's *Statutes*, Vol. I, p. 517.
28. Chamberlayne, *Vestry Book of Petsworth Parish, Gloucester County*, p. 183, under date of October 8, 1724.
29. McIlwaine, *Executive Journals, Council of Colonial Virginia*, Vol. I, 508, 515. See, also, Vol. I, p. 456, for a renewed order in 1699.
30. Donald Robertson conducted his school in King and Queen County from 1758 to 1769. See *Virginia Magazine of History and Biography*, Vol. XXXIII, pp. 194-98, and further references in E. G. Swem's *Virginia Historical Index*.

## III.

## THE PRESENT STATE OF VIRGINIA

*A Pamphlet by**The Rev. Hugh Jones, Published in 1724*

The Rev. Hugh Jones came to Virginia in 1716 as master of the grammar school of William and Mary College and was appointed professor of natural history and mathematics in 1717. He held the parish of James City and was chaplain of the General Assembly at the sessions of 1718 and 1720. He returned to England in 1722 and while there published his report of conditions in the colony of Virginia. It is a well-balanced and fair statement of conditions both civil and ecclesiastical as he had found them.

He returned to Virginia in 1725 and was given St. Stephen's Parish in King and Queen County. Here he got into an unhappy dispute with his vestry about the location of the pulpit, which aroused so much feeling that he resigned his parish and went to Maryland.<sup>1</sup> He held parishes in that colony until his death in 1760.<sup>2</sup>

While his whole pamphlet is of much interest and value, that part only of it which deals with religious conditions is given here.

OF THE STATE OF THE CHURCH AND CLERGY  
OF VIRGINIA*An Account Written by the Reverend Hugh Jones in his*

PRESENT STATE OF VIRGINIA

*Published in London in 1724*

Though Provision is made, and proper Measures are taken to make Allowances and Alterations in Matters of Government, State and Trade; yet in Matters of Religion there has not been the Care and Provision that might be wished and expected.

For the Country requires particular Alterations and Allowances in some indifferent spiritual Concernments, as well as in temporal Affairs, which might be done without deviating in the least from the Principles and Practice of the Established Church of England; and instead of encouraging Dissentions, or Heresy, or Schism, or Irreligion, would be a sure means always to prevent them, were such small Alterations regularly established

in some things indifferent, as might best agree with the Conveniency and Nature of the Colony; for it is impossible for a Clergyman to perform this Duty according to the literal Direction of the Rubrick; for were he too rigorous in these Respects by disobliging and quarrelling with his Parish, he would do more Mischief in Religion, than all his fine Preaching and exemplary Life could retrieve; A Short Narrative of which Case of the Church I transmitted Home to the late Bishop of London, by Order and Appointment of a late Convention, in a Representation of some Ecclesiastical Affairs;<sup>3</sup> but the Nature of this may more fully appear by the following Account.

This, with all other Plantations, is under the Care of the Bishop of London, who supplies them with what Clergymen he can get from England, Scotland, Ireland, and France.<sup>4</sup> The late Bishop appointed the Reverend Mr. James Blair to be his Commissary, who is likewise President of the College, and one of the Council. He by the Bishop's Order summoned the Clergy to Conventions, where he sate as Chairman; but the Power of Conventions is very little, as is that of the Commissary at present. Visitations have been in vain attempted; for the corrupt Abuses and Rigour of Ecclesiastical Courts<sup>5</sup> have so terrified the People, that they hate almost the very Name, and seem more inclinable to be ruled by any other Method, rather than the present spiritual Courts. Differences and great Disputes frequently arise between the Governor and the People, concerning the Presentation, Collation, Institution, and Induction to Livings; and it is scarce yet decided distinctly who have the Right of giving Parishes to Ministers, whether the Governours or the Vestries, though the best of Council have been applied to for their Opinion; for their sentiments are not obligatory.

The Vestries consist of the Minister, and twelve of the most substantial and intelligent Persons in each Parish. These at first were elected by the Parish by Pole, and upon Vacancies are supplied by Vote of the Vestry; out of them a new Church-warden is annually chosen, under (as it were) the Instruction of the old one chosen the Year before. By the Vestry are all parochial Affairs managed, such as the Church, Poor, and the Minister's Salary.

The Clerk in Case of the Minister's death or Absence has great Business, and is a kind of Curate, performing frequently all the Offices of the Church, except the two Sacraments and Matrimony:<sup>6</sup> but 'tis Pity but his Practices were better regulated, and Sets of Sermons also appointed for his Purpose; for in several Places the Clerks are so ingenious or malicious, that they contrive to be liked as well or better than the Minister, which creates Ill-Will and Disturbance, besides other Harm. In some places they read the Lessons, publish Banns, etc., when the Minister is present, for his Ease; which first may not be improper in very hot Weather, or if

the Minister be sick or infirm, if the Clerk can read tolerably well. Likewise might they be allowed to bury when a Minister cannot possibly be had before the Corpse would corrupt in hot Weather; but little more should be granted them, since some Places long accustomed to hear only their Clerk read Prayers and Sermons at Church, have no right Notions of the Office, Respect, and Dignity of a Clergyman. For registering Births and Burials, there is a small Allowance which is generally given to the Clerk, who takes that Trouble off the Minister's Hands. The Use of this is to know the Number of Tythables, for laying of Levies, and for other Occasions, and Lists of these Registers are delivered into the Hands of proper Officers. The Parishes being of great Extent (some sixty Miles long and upwards) many dead Corpses cannot be conveyed to the Church to be buried: So that it is customary to bury in Gardens or Orchards, where whole Families lye interred together, in a Spot generally handsomely enclosed, planted with Evergreens, and the Graves kept decently: Hence likewise arises the Occasion of preaching Funeral Sermons in Houses, where at Funerals are assembled a great Congregation of Neighbours and Friends; and if you insist upon having the Sermon and Ceremony at Church, they'll say they will be without it, unless performed after their usual Custom. In Houses also there is Occasion, from Humour, Custom, sometimes, from Necessity most frequently, to baptize Children and church Women, otherwise some would go without it. In Houses also they most commonly marry, without Regard to the Time of the Day or Season of the Year.<sup>7</sup> Though the Churches be not consecrated by Bishops, yet might there be some solemn Dedication prescribed for setting them apart for sacred Uses:<sup>8</sup> which would make People behave themselves with greater Reverence than they usually do, and have a greater Value for the House of God and holy Things.

Their Churches were formerly built of Timber, but now they build them of brick, very strong and handsome, and neat adorned; and when any Church is gone to Decay, or removed to a more convenient Place, they enclose the old one with a Ditch.<sup>9</sup>

Though Persons are admitted to the Lord's Supper there, that never were confirmed by the Bishop, yet might there be certain Examinations as preparatory Qualifications, which would lay the Sureties and Parents of Children baptized, under a Necessity of taking Care of them, as to a pious Education, and would make them to be obliged to know more of their Duty than they generally do.

For this End I have composed (as I before hinted) an *Accidence to Christianity*, being a short Introduction to the Principles and practices of Christians, collected out of the Church Catechism, the thirty-nine Articles, Hammond's *Practical Catechism*, Grotius *Of the Truth of the Christian Religion*, and *The Whole Duty of Man*.



Out of which may be extracted a brief Examination for Communicants before their first Admittance; which may be done by the Minister, if he had Orders and Directions for it. By this Means the People would attain to better Notions of Religion (and many more would be Communicants, who now abstain totally through Fear or Ignorance) were the first true Principles timely instilled into them in a brief Method; for any Thing tedious soon tires them, and will not obtain the desired Effect. In several Respects the Clergy are obliged to omit or alter some minute Parts of the Liturgy, and to deviate from the strict Discipline and Ceremonies of the Church; to avoid giving Offence, through Custom, or else to prevent Absurdities and Inconsistencies. Thus Surplices, disused there for a long time in most Churches, by bad Examples, carelessness and Indulgence, are now beginning to be brought into Fashion, not without Difficulty; and in some Parishes where the People have been used to receive the Communion in their Seats (a Custom introduced for Opportunity for such as are inclined to Presbytery to receive the Sacrament sitting)<sup>10</sup> it is not an easy matter to bring them to the Lord's Table decently upon their Knees.

The last Injunction in the Form of Publick Baptism is most properly omitted there, wherein the Godfathers and Godmothers are ordered to take Care that the Child be brought to the Bishop to be confirmed, which for the most Part would prove impracticable.

It would be improper for the Chaplain of the Honourable the Assembly and others, to use the Prayers for the High Court of Parliament verbatim, for they cannot know whether the Parliament sits in England then; and their Intent is to pray for the Assembly and the King's Dominions; so that the Prayer must be altered in several Respects.

'Tis Pity but the Prayer was altered, and allowed for the Assembly, Governour and Council; of which we have an Instance in Irish Common Prayer Books.

Every Minister is a kind of Independent in his own Parish, in Respect of some little particular Circumstances and Customs, to which they are often occasionally obliged; but this Liberty without Restraint may prove of bad Consequence hereafter; when the bad Tenets and Discipline of any heterodox, libertine, or fanatical Persons<sup>11</sup> may plead Prescription for their Establishment, and be difficult to be eradicated.

In most Parishes are Schools (little Houses being built on Purpose) where are taught English and Writing; but to prevent the sowing the seeds of Dissention and Faction, it is to be wished that the Masters or Mistresses should be such as are approved or licensed by the Minister and Vestry of the Parish, or Justices of the County; the Clerks of the Parishes being generally most proper for this Purpose; or (in Case of their Incapacity or Refusal) such others as can best be procured.

As for baptizing Indians and Negroes, several of the People disapprove

of it; because they say it often makes them proud, and not so good Servants; But these, and such Objections, are easily refuted, if the Persons be sensible, good and understand English, and have been taught (or are willing to learn) the Principles of Christianity, and if they be kept to the Observance of it afterwards; for Christianity encourages and orders them to become more humble and better Servants, and not worse, than when they were Heathens.

But as for baptizing wild Indians and new Negroes, who have not the least Knowledge nor Inclination to know and mind our Religion, Language, and Customs, but will obstinately persist in their own barbarous Ways; I question whether Baptism of such (till they be a little weaned of their savage Barbarity) be not a Prostitution of a Thing so sacred.

But as for the Children of Negroes and Indians, that are to live among Christians, undoubtedly they ought all to be baptized; since it is not out of the Power of their Masters to take Care that they have a Christian Education, learn their Prayers and Catechism, and go to Church, and not accustom themselves to lie, swear, and steal, tho' such (as the poorer Sort in England) be not taught to read and write; which as yet has been found to be dangerous upon several Accounts, especially self-Preservation.

In every Parish there is allotted for the Minister a convenient Dwelling-House and a Glebe of about two hundred and fifty Acres of Land, with a small Stock of Cattle ready in some Places, as James Town.

The Salary of the Minister is yearly 16,000, and in some Parishes 20,000 pounds of Tobacco; out of which there is a Deduction for cask, prizing, collecting, etc., about which Allowance there are sometimes Disputes, as are also Differences often about the Place, Time, and Manner of delivering it; but all these things might easily be regulated.

Tobacco is more commonly at twenty shillings *per Cent.* than at ten; so that certainly (*communibus annis*) it will 12s 8d a hundred, which will make 16,000 (the least salary) amount to £100 *per Ann.* which it must certainly clear, allowing for all petty charges, out of the Lowness of the Price stated, which is less than the Medium between ten and twenty shillings; whereas it might be stated above the Medium, since it is oftener at twenty than ten Shillings.

Besides the Glebe and Salary, there is 20s for every Wedding by License, and 5s for every Wedding by Banns, with 40s for a Funeral Sermon, which most of the middling People will have.

This one would think should be sufficient Encouragement for Clergymen of good Lives and Learning (that are not better provided for elsewhere) to go over and settle there; if they considered rightly the little Danger and Fatigue they may expose themselves to, the great Good they may do, and what Advantages they may reap with good Conduct and right Management of their Fortunes and Conversations.

The Parishes are large, but then the Inhabitants are but thin; and there are Chapels of Ease in large Parishes, at which there is divine Service in Turns with the Churches; and frequently upon a Vacancy some neighbouring clergyman does the duty of another parish besides his own, on some Week-Day, for which he has the Salary, till it can be better supplied.

Many Disputes and Differences arise between some of the Clergy and People; but this generally proceeds from the uncertain and precarious Footing of Livings, and some Disputes about the Nature and Manner of the Payment of the established Salary; which though it may be esteemed sufficient yet is not so well regulated, as might be wished and expected in such a great Colony of so long a standing, and free from the Molestation of Church Faction and Dissenters.

Besides the Payment of the Salary, the Surplice Fees<sup>12</sup> want a better Regulation in the Payment; for though the Allowance be sufficient, yet Differences often and Ill-Will arise about these Fees, whether they are to be paid in Money or Tobacco, and when; whereas by a small Alteration and Addition of a few Laws in these and the like Respects, the Clergy might live more happy, peaceable and better beloved; and the People would be more easy, and pay never the more Dues.

The Establishment is indeed Tobacco, but some Parts of the Country make but mean and poor, so the Clergymen don't care to live in such Parishes; but there the payment might be made in Money, or in the produce of those Places, which might be equivalent to the Tobacco Payments; better for the Minister, and as pleasing to the People.

Some Clergymen are indeed unskilful in, and others are not studious of, reconciling their own Interest and Duty with the Humour and Advantages of the People, especially at their first coming, when many Things seem very odd to them; being different to what they have been heretofore accustomed to.

These Things often occasion Uneasiness to the Ministers themselves, and the People; but for the Generality they that have a Mind to do their Duty, and live happily (with some Caution and Care) may live with as much Satisfaction, Respect, Comfort, and Love, as most Clergymen in England.

'Tis to be hoped and wished, that as the Government of England have of late taken it into their Consideration to encourage more Clergymen to go over; so they may give Instructions and Directions for the Advantage and Happiness of both the Clergy and Laity, by rectifying and settling some affairs belonging to the Church of Virginia; and providing such Laws as are wanting or requisite to be altered in Respect of the Clergy; a full and true Account of whom I have here given (as much as the Scope of this Treatise would admit it) to the best of my Knowledge.

This I have committed to Paper for the better Information of such as may in any Respect be concerned in Affairs relating to Virginia, especially its Government, Religion and Trade: For without exact Notions of the Temper Lives, and Manners of the People, and the Nature and Produce of the Country, none can frame a correct Judgment of what is most proper to be added, altered, or continued, nor know what Steps are to be taken for the Advancement of either the publick or private Good of that Colony, in Respect either of Church, State, or Trade.

Another Inducement for my writing this, was for the Encouragement and Intelligence of such good Clergymen and others, as are inclinable to go and settle there; and for the Information of all that are desirous of knowing how People live in other Countries, as well as their own; together with an Intent to vindicate this Country from the unjust Reflections which are vulgarly cast on it; and to wean the World from the unworthy despicable Notions, which may entertain concerning his Majesty's Dominions in North America; where is Room and Imploymment enough for all that want Business or a Maintenance at Home, of all Occupations; and where, if they be not their own Enemies, they might much better than ever they did in England; which blessed Opportunity of favourable Providence may give great Comfort to any good Folks that are in poor unfortunate circumstances.

(The author presented his own recommendations for the improvement of conditions in Virginia under the form of three Schemes, or recommended plans: *Scheme I* of Education in Virginia; *Scheme II* of Religion in Virginia; and *Scheme III* of Arts, Projects, Inventions and Manufactures in Virginia. These plans are carefully thought out and present an admirable picture of the conditions of life and the greater needs of the Colony in 1724. A part only of his plan for the improvement of the conditions regarding the Church can be given here.)

### *Of Religion in Virginia*

It is an Opinion as erroneous as common, that any sort of Clergymen will serve in Virginia; for Persons of immoral Lives, or weak Parts and mean Learning, not only expose themselves, but do great Prejudice to the Propagation of the Gospel there; and by bad Arguments or worse Example, instead of promoting Religion, become Encouragers of Vice, Profaneness, and Immorality. Whereas were such confined to the narrow Limits of a Parish or two in England, where their Knowledge and their Name would scarce extend farther than the Circumference of their own Country; then neither could their bad Learning nor Example propagate so much Mischief as when sent Abroad into the World among bright and



observing People. Neither do they want quarrelsome and litigious Ministers, who would differ with their Parishioners about insignificant Trifles, who had better stay at Home and wrangle with their own Parishes, which is not so great a Novelty here as there. Neither would they have meer Scholars and Stoicks, or Zealots too rigid in outward Appearance, as they would be without loose and licentious Profligates; these do Damage to themselves, to others and to Religion.

And as in Words and Actions they should be neither too reserved nor too extravagant; so in Principles should they be neither too high nor too low; the Virginians being neither Favourers of Popery nor the Pretender on the one Side, nor of Presbytery nor Anarchy on the other; but are firm Adherents of the present Constitution in State, the Hanover Succession and the Episcopal Church of England as by Law established; consequently then if these are the Inclinations of the People, their Ministers ought to be of the same Sentiments, equally averse to papistical and schismatical Doctrines, and equally free from Jacobitish and Oliverian Tenets. This I confess are my Principles, and such as the Virginians best relish, and what every good Clergyman and true Englishmen (i hope) will favour; for such will never refuse to say with me:

God bless the Church, and George its Defender,<sup>13</sup>  
Convert the Fanaticks and baulk the Pretender.

For our Sovereign is undoubtedly the Defender and Head of our national Church of England, in which Respect we may pray for the King and Church; But Christ is the Head of the Universal or Catholick Church, in which Respect we wish Prosperity to the Church and King.

Clergymen for Virginia should be of such Parts, Tempers and Notions as these. They likewise should be Persons that have read and seen something more of the World, than what is requisite for an English Parish; they must be such as can converse and know more than bare Philosophy and speculative Ethnicks, and have studied Men and Business in some Measure as well as Books; they may act like Gentlemen, and be facetious and good-humoured, without too much Freedom and Licentiousness; they may be good Scholars without becoming Cynicks, as they may be good Christians without appearing Stoicks. They should be such as will give up a small Matter rather than create Disturbance and Mischief; for in all Parishes the Minister as well as the People should pass by some little Things, or else, by being at Variance the best Preaching may have the worst Effect; yet they must not condescend too far, nor part with a material Right, but must be truly zealous and firm in every good Cause both public and private. There are many such worthy, prudent and pious Clergymen as these in Virginia, who meet with the Love, Reputation, Respect, and Encouragement that such good Men may deserve and ex-

pect; However there have been some whose Learning, Actions, and Manners have not been so good as might be wished; and others by their outward Behaviour have been suspected to have been, some Jacobites, and others Presbyterians inwardly in their Hearts.

In Virginia there is no Ecclesiastical Court, so that Vice, Prophane-ness, and Immorality are not suppressed so much as might be: The People hate the very name of the Bishop's Court. There are no Visitations, so that the Churches are often not in the best Repair, nor as decently adorned as might be; neither in some Places can the Lord's Supper be administered with such holy Reverence as it should be, for want of proper Materials and Utensils. The Churches being not consecrated are not entered with such reverent Demeanour, as ought to be used in God's holy Tabernacle.

For want of Confirmation Persons are admitted to the Holy Sacrament with mean and blind Knowledge, and poor Notions of the divine Mysteries of the Supper of the Lord; which is an Abuse of a thing so very sacred.

In North Carolina and several Parts of Virginia, Children are often neglected to be Baptized till they are grown up,<sup>14</sup> and then perhaps may never know or never mind that they want to be christened; and may esteem it unnecessary.

The Clerks upon several Occasions performing too great a Share of divine Services, expose the Church to Shame and Danger, and often bring Contempt and Disdain upon the Persons and Functions of the Ministers.

Ministers are often obliged to bury in Orchards, and preach Funeral Sermons in Houses, where they also generally marry and christen; and as for Weddings there is no Regard to the Time of the Day nor the Season of the Year; and in North Carolina the Justices marry.

Now to remedy all these Grievances and Deficiencies, with all Evils of the like kind, there is an absolute Necessity for a Person whose Office upon this Occasion should be somewhat uncommon, till a Bishop be established in these Parts; who might pave out a Way for the Introduction of Mitres into the English America, so greatly wanting there. This Person should have Instructions and Power for discharging such Parts of the Office, of a Bishop, of a Dean, and of an Archdeacon, as Necessity requires, and the Nature of those Sacred Functions will permit; and from a Medium of these three Functions he might be called the Dean of Virginia; under whose Jurisdiction North Carolina might fall for the present, till the Constitution in Church and State there be better advanced.

. . . . .

Such a Person as this might do a vast deal of Good, and reduce the Church Discipline in Virginia to a much better Method than at present it

is in; For tho' the Church of England be there established, yet by permitting too great Liberty, and by being too indifferent in many such Respects as are here specified, great Inconveniences have arose; and we may certainly expect far greater Detriment in the Church from thence, unless timely Lenitives and proper Remedies be applied, in the best Methods that can possibly be devised; some such Methods (I conceive) as these here proposed may not be esteemed least proper; and if they be rejected or despised, yet I am persuaded that they are not so insignificant as some may imagine, and not so despicable as to be quite disregarded; and not thought worthy of the serious Perusal of any concerned in Affairs of this Nature.

\* \* \* \* \*

*Present State of Virginia, in 1724, pp. 62-63.*

There are two Burgesses elected by the Freemen, and sent from every County and one for James Town, and another for the College. These meet, choose a Speaker, etc., and proceed in most Respects as the House of Commons in England, who with the Upper House, consisting of the Governour and Council, make Laws exactly as the King and Parliament do; the Laws being passed there by the Governour, as by the King here.

All the Laws and Statutes of England before Queen Elizabeth are there in Force, but none made since; except those that mention the Plantations, which are always specified in English Laws, when occasion requires.

The General Assembly has Power to make Laws, or repeal such others as they shall think most proper for the Security and Good of the Country provided they be not contradictory to the Laws of England, nor interfering with the Interest of Great Britain; these Laws are immediately in Force there, and are transmitted hither to the Lords of Plantations and Trade for the Royal Assent; after which they are as obligatory as any Laws can possibly be.

All Laws that the King dislikes upon the first Perusal, are immediately abrogated.

Thus in State Affairs Liberty is granted, and Care is taken to make such Laws from Time to Time, as are different from the Laws in England whenever the Interest or Necessity of the Climate, and other Circumstances shall require it.

## NOTES

1. See letter of Commissary Blair to the bishop of London, dated March 24, 1725/26; in *William and Mary Quarterly Magazine, Second Series*, XIX, 454.
2. Sprague, *Annals of the American Episcopal Pulpit*, gives a biographical sketch of the Rev. Hugh Jones, but attention must be called to the fact that in this sketch the Hugh Jones who came to Virginia in 1717 is confused with the minister of the same names who was rector of Christ Church Parish in Calvert County, Maryland, from 1696 to 1703, or thereabouts. They were entirely different men. See Sketch of him by Grace S. Landram in *William and Mary Quarterly Magazine*, 2nd Series, Vol. 23.
3. This was the convention of 1719. Cf. Perry, *Virginia Volume*, pp. 199, *et seq.*
4. The author here states what authority the bishop of London had in Virginia. He mentions nothing more than the selection and licensing of ministers and the appointment of a commissary, whose authority was "very little."
5. He was referring, of course, to the Star Chamber Courts and other ecclesiastical courts in England, whose record of persecution of dissenters remained as a stench in the memory of Virginia as well as New England. There was never any ecclesiastical court in Virginia.
6. Conditions had improved greatly in 1724 over the period of fifty or sixty years before. In that earlier period clerks (i.e. readers) did perform marriages in the lack of an ordained minister, and, unquestionably, following the ancient rule of the Church, many a new-born child in imminent danger of death had been baptized by a reader, or some other layman when an ordained minister could not be secured.
7. The rule of the Church was to perform marriages before noon, and the General Assembly had written that rule into the statute law of Virginia. See Hening's *Statutes* I, 156, 181. This was enacted in the year 1632. This rule came down from the pre-Reformation days when a celebration of the Mass was a part of the wedding ceremony. As the priest and others receiving the sacrament were expected to fast until after the Mass, the wedding was required to be celebrated in the morning hours.

Although the Church of England made no provision in its Prayer Book after the Reformation for a special nuptial collect, epistle and gospel, the custom of performing marriages in the morning continued to be observed, and for many years was written into the law of Virginia. See *infra*, Appendix V, Act V.

Mr. Jones' statement that no regard was paid to the season of the year refers, of course, to the seasons of the Church Year.

"According to the rubrics of the Sarum manual and missal, the prohibited seasons in England were from Advent to the octave of Epiphany, from Septuagesima to the octave of Easter, and from the Sunday before the Ascension to the octave of Pentecost, . . . for some time after the Reformation the Church of England adhered to the three periods prohibited by the use of Sarum.

"In certain instances, these forbidden seasons appear in English rhymes. At the beginning of the old register book of St. Mary's, Beverley (in Yorkshire), are the following rhymes:



"Rules for Marriage, the Time.  
 "When Advent comes do thou refrain  
 Till Hillary sett thee free again;  
 next Septuagesima saith thee nay;  
 but when Lowe Sunday comes thou may;  
 yet at Rogation thou must tarrie  
 Till Trinitie shall bid thee marry."

Nov. 25, 1641."

The above quotations are from "*The Parish Registers of England*," by J. Charles Cox, LL.D., F.S.A., published in London in 1910. The quotations given here are from pages 78-79 and 80. "Hillary" in the rhyme means, of course, St. Hilary's Day, which comes on January 13, the octave of Epiphany.

8. It was of frequent occurrence that churches in Virginia were consecrated by the clergy, there being no bishop to perform that office. The Rev. Lawrence DeButts, minister of Washington Parish in Westmoreland County from 1720 to 1728, in writing to the bishop of London, in July, 1722, said: "My parishioners have almost finished a new brick church, and expected that I would consecrate it (it being usual for clergymen to do so here), but I told them that I had no authority to do so." Letter in Fulham Manuscripts.
9. The "Ditch" was (and is still) a legal fence in Virginia when properly constructed. In the days of slave labor, it was a very common form of fence. The ditch was originally in the form of a ha-ha, with one perpendicular side, and the excavated dirt was thrown upon that side to increase the elevation. This, if kept up, proved a very effective protection from the depredations of horses and cattle.
10. Perhaps this was one of the things that the Rev. William Finnie had in mind when, in reporting conditions in the Quaker stronghold of Henrico Parish, he stated that "the people are not so observant of Devout Postures as could be wished." See *supra*, Chapter XXII, p. 394 (Note 18), Perry, *Op. cit.*, p. 305.
11. Manifestly the author means "parsons" although he uses the older alternative form "persons."
12. The Surplice fees were those for which the minister should normally wear his surplice, such as weddings, funerals, churchings, etc. No fee was required for either sacrament, Baptism or the Holy Communion.
13. Another form, a bit more equivocal and suspiciously Jacobite in sentiment, has come down in some old Virginia families, as follows:

"God bless the Church; God bless the King, the Church's Defender,  
 God bless, there is no harm in blessing, the Pretender.  
 But who is that Pretender, and who that King,  
 God bless us all, is quite another thing."

14. This is indirect evidence of the strength of the Quaker element in several parts of Virginia. While there were one or two small congregations of Anabaptists in the colony in 1724, they were not numerous enough or sufficiently widely established to have caused this comment.



# Appendices





*Appendix I*

“THE LAWS DEALING WITH RELIGION

UNDER THE MARTIAL LAW DECLARED AT JAMESTOWN  
IN 1610.

Being Extracts from the ARTICLES, LAWES, AND ORDERS, DIVINE, POLITIQUE, AND MARSHALL For the COLONY IN VIRGINIA: First Established by Sir THOMAS GATES, Knight, Lieutenant Generall, the 24th of May, 1610, Exemplified and Approved by the Right Honourable Sir THOMAS WEST, Knight, Lord Lawair, Lord Governour and Captaine Generall the 12th of June, 1610. Againe Exemplified and Enlarged by Sir THOMAS DALE, Knight, Marshall, and Deputie Governour, the 22nd of June, 1611.<sup>1</sup>

1. First since we owe our highest and supreme duty, our greatest, and all our allegiance to him, from whom all power and authoritie is deriued, and flowes as from the first, and onely fountaine, and being especiall souldiers emprest in this sacred cause, we must alone expect our successe from him, who is onely the blesser of all good attempts, the King of kings, the commaunder of commaunders, and Lord of Hostes, I do strictly and commaund and charge all Captaines and Officers, of what qualitie or nature soeuer, whether commanders in the field, or in town, or townes, forts or fortresses, to haue a care that the Almighty God bee duly and daily serued, and that they call vpon their people to heare Sermons, as that also they diligently frequent Morning and Euening praier themselves by their owne exemplar and daily life, and dutie herein, encouraging others thereunto, and that such, who shall often and wilfully absent themselves, be duly punished according to the martiall law in that case prouided.

2. That no man speak impiously or maliciously against the holy and blessed Trinitie, or any of the three persons, that is to say, against God the Father, God the Son, and God the holy Ghost, or against the knowne Articles of the Christian faith, vpon paine of death.

3. That no man blaspheme Gods holy name vpon paine of death, or vse vnlawful oathes, taking the name of God in vaine, curse or banne, vpon paine of seuer punishment for the first offense so committed, and for the second, to haue a bodkin thrust through his tongue, and if he continue the blaspheming of Gods Holy name, for the third time so offending, he shall be brought to a martiall court, and there receiue censure of death for his offence.

5. No man shall speake any word, or do any act, which may tend to the derision, or despight of Gods holy word vpon paine of death: Nor shall any man vnworthily demeane himselfe vnto any Preacher, or Minister of

the same, but generally hold them in all revurent regard, and dutiful intreatie, otherwise he the offender shall openly be whipt three times, and ask publike forgiveness in the assembly of the congregation three seuerall Sabbath daies.

6. Euerie man and woman duly twice a day vpon the first towling of the Bell shall vpon the working daies repaire vnto the Church, to hear diuine Service vpon pain of losing his or her dayes allowance for the first omission, for the second to be whipt, and for the third to be condemned to the Gallies for six Moneths. Likewise no man or woman shall dare to violate or breake the Sabbath by any gaming, publique or priuate abroad, or at home, but duly sanctifie and obserue the same, both himselfe and his familie, by preparing themselues at home with private prayer, that they may be the better fitted for the publique, according to the commandments of God, and the orders of our Church, as also euery man and woman shall repaire in the morning to the diuine seruice, and Catechising, vpon paine of the first fault to lose their prouision, and allowance for the whole weeke following, for the second to lose the said allowance, and also to be whipt, and for the third to suffer death.

7. All Preachers or Ministers within this our Colonie, or Colonies, shall in the Forts, where they are resident, after diuine Service, duly preach euery Sabbath day in the forenoone, and Catechise in the afternoone, and weekely say the diuine seruice, twice euery day, and preach euery Wednesday, likewise euery Minister where he is resident, within the same Fort, or Fortress, Townes, or Towne, shall chuse vnto him, foure of the most religious and better disposed as well to informe of the abuses and neglects of the people in their duties, and seruice to God, as also to the due reparation, and keeping of the Church handsome, and fitted with all reuerent Obseruances thereunto belonging: likewise euery Minister shall keepe a faithful and true Record, or Church Booke, of all Christnings, Marriages, and deaths of such our people, as shall happen within their Fort, or Fortresses, Townes or Towne at any time, vpon the burthen of a neglectfull conscience, and vpon paine of losing their Entertainment.

10. No man shall bee found guilty of Sacrilidge, which is a Trespasse as well committed in violating and abusing any sacred ministry, duty or office of the Church, irreuerently, or prophanely, as by beeing a Church robber, to filche, steale or carry away any thing out of the Church appertaining thereunto, or vnto any holy, and consecrated place, to the diuine Service of God, which no man should doe vpon paine of death: likewise he that shall rob the store of any commodities therein, of what quality soeuer, whether prouisions of victuals, or of Arms, Trucking stuffe, Apparell, Linnen, or Wollen, Hose or Shooes, Hats or Caps, Instruments or Tooles of Steele, Iron, &c., or shall rob from his fellow souldier, or neighbour, any thing that is his, victuals, apparell, household stuffe, toole,

or what necessary else soeuer, by water or land, out of boate, house, or knapsack, shall bee punished with death.

33. There is not one man nor woman in this Colonie now present, or hereafter to arriue, but shall giue vp an account of his and their faith, and religion, and repaire vnto the Minister, that by his conference with them, hee may vnderstand, and gather, whether heretofore they have beene sufficiently instructed, and catechised in the principles and grounds of Religion, whose weaknesse and ignorance herein, the Minister finding, and advising them in all loue and charite, to repaire often vnto him, to receiue therein a greater measure of knowledge, if they shal refuse so to repaire vnto him, and he the Minister giue notice thereof vnto the Gouernour, or that chiefe officer of that towne or fort, wherein he or she, the parties so offending shall remaine, the Gouernour shall cause the offender for his first time of refusall to be whipt, for the second time to be whipt twice, and to acknowledge his fault vpon the Saboth day, in the assembly of the congregation, and for the third time to be whipt euery day vntil he hath made the same acknowldgement, and asked forgiuenesse for the same, and shall repaire vnto the Minister, to be further instructed as aforesaid: and vpon the Saboth when the Minister shall catechise, and of him demaund any question concerning his faith and knowledge, he shall refuse to make answere vpon the same perill.

Euery Minister or Preacher euery Sabboth day before Catechizing, read all these lawes and ordinances, publickly in the assembly of the congregation vpon paine of his entertainment checkt for that weeke."

One may note in the 7th paragraph of these laws the first germ of what eventually became the vestry system of government of the temporal affairs of the Church. The selection of four of the "most religious and better disposed" laymen to share with the minister responsibility for the spiritual welfare of the people and to make provision for the physical upkeep of the Church property.

#### NOTES • APPENDIX I

1. These laws are published in full in Peter Force's *Historical Tracts*, Volume III.

## Appendix II

### THE RULE OF THE VIRGINIA COMPANY CONCERNING PUBLIC LANDS AND GLEBE LANDS IN THE SEVERAL CITIES AND PARTICULAR PLANTATIONS: AND EXTRACTS FROM THE CHARTER OF A PARTICULAR PLANTATION.

The instructions given to Governor Yeardley on November 28, 1618, as he set out for Virginia to assume that position, present these facts very definitely and clearly.<sup>1</sup>

"And because our intent is to Ease all the Inhabitants of Virginia forever of all taxes and public burthens as much as may be, and to take away all occasion of oppression and corruption we have thought fit to begin (according to the laudable Example of the most famous Common Wealthes both past and present) to alot and lay out a Convenient portion of public lands for the maintenance and support as well of Magistracy and officers as of other public charges both here and there from time to time arising.

"We therefore . . . require you the said Governor and Council of Estate to put in execution with all convenient speed a former order of our Courts . . . for the laying and setting out by bounds and metes of three thousand Acres of Land in the best and most convenient place of the territory of James town in Virginia and next adjoining to the said town to be the seat and land of the Governor of Virginia for the time being and his Successors, and to be called by the name of the Governor's Land . . .

"In like sort we require you to set and lay out by bounds and Metes other three thousand Acres of good land within the territory of Jamestown . . . which shall be and so called the Companies Land.

\* \* \* \* \*

"And we will and ordain that all the said Tennants on the Governors and Companies Lands shall occupy the same to the half part of the profits of the said Lands, so as the one half to be and belong to the said Tennants themselves and the other half respectively to the said Governor and to us the said Company and our Successors.

\* \* \* \* \*

"And forasmuch as our Intent is to Establish one Equal (. . . a blank of several lines occurs here . . .) Plantations, whereof we shall speak afterwards, be reduced into four Cities or Borroughs, *namely* the chief City called James town Charles City Henrico and the Burrough of Kiccowtan.

\* \* \* \* \*



"We . . . will and ordain that other three thousand Acres of Land be set out in the fields and territory of Charles City and other three thousand Acres of Land in the fields and territories of Henrico And other three thousand Acres of Land in the fields and territory of Kiccowtan all which to be and be called the Companies lands . . .

\* \* \* \* \*

"And to the intent that godly learned and painful Ministers may be placed there for the service of Almighty God & for the spiritual benefit and comfort of the people We further will and ordain that in every of those Cities or Burroughs the several quantity of one hundred Acres of Land be set out in quality of Glebe land toward the maintenance of the several Ministers of the parishes to be there limited and for a further supply of their maintenance there be raised a yearly standing and certain contribution out of the profits growing or renewing within the several farmes of the said parish and so as to make the living of every Minister two hundred pounds sterling per annum or more as hereafter there shall be cause.

\* \* \* \* \*

"And for a further Ease to the Inhabitants of all taxes and Contributions for the support and Entertainment of the particular magistrates and Officers and of other charges to the said Cities and Burroughs respectively belonging We likewise will and ordain that within the precincts or territories of the said Cities or Burroughs shall be set out and allotted the several Quantities of fifteen hundred Acres of Land to be the Common Land of the said City or Burrough for the uses aforesaid and to be known and called by the name of the Cities or Burroughs Land.

\* \* \* \* \*

"And touching all other particular Plantations set out or like to be set out in convenient Multitudes either by divers of the ancient Adventurers Associating themselves together (as the Society of Smiths hundred and Martins hundred) or by some ancient Adventurer or Planter associating others unto him (as the plantation of Captain Samuel Argall and Captain John Martin and that by the late Lord La Warre advanced) or by some new Adventurers joining themselves under one head (as the plantation of Christopher Lawne Gentleman and others now in providing) Our intent being according to the Rules of Justice and good government to allot unto every one his due yet so as neither to breed Disturbance to the Right of others nor to interrupt the good form of Government intended for the benefit of the people and strength of the Colony We do therefore will and ordain that of the said particular plantations none be placed within five miles of the said former Cities and Burroughs . . . In like sort we ordain

that no latter particular plantation shall at any time hereafter be seated within ten miles of a former. We also will and ordain that no particular plantation be or shall be placed stragglingly in divers places to the weakening of them but be united together in one seat and territory that so also they may be incorporated by us into one body corporate and live under Equal and like Law and orders with the rest of the Colony.

\* \* \* \* \*

"We further hereby ordain that to all such of the said particular<sup>2</sup> ( . . . . ) as shall truly fully observe the orders Afore and hereafter specified there be allotted and set out over and above our former Grants One hundred Acres of glebe land for the Minister of every ( . . . . ) and fifteen hundred Acres of Burough land for the public use of the said Plantation Not intending yet hereby either to abridge or enlarge such grants of glebe or common Land as shall be made in any of our grants in writing to any of the said particular plantations We also will and ordain that the like proportion of maintenance out of the ( . . . . ) and profits of the Earth be made for the several Ministers of the said particular Plantations as have been before set down for the Ministers of the said former Cities and burroughs."

A revised form of charter of Particular Plantations was prepared in 1621, and the charters of one or more plantations have been preserved in the records of the Virginia Company. Extracts from the new charter of Martin's Hundred, originally chartered in 1618, are here given.<sup>3</sup>

The Charter begins by reciting the fact that this indenture made the 30th day of January, 1621/22, between the Company and a group of Adventurers who hold two hundred shares of stock, Sir Edwin Sandys and Sir John Wostenholme being among the leaders of the group, recites further:

"But also the said Adventurers have already at their great costes and charges furnished and transported into Virginia the number of two hundred and fower Schore persons that is to say in the good Ship called the Guift of God set out in the yeare 1618 the number of 220 persons . . . And the said persons have seated in a place of Virginia nowe called by the Adventurors and soe hereafter to be called Martins Hundred and intend with convenient speed by the devine assistance to furnish and sett out likewise great numbers of persons there to plante and inhabite and to erect and make perfect a Church and Towne there alreadie begunne with all things thereto requisite to the great encrease and advancement of the generall Plantation in Virginia."

"The Company have granted land to the Adventurors at the rate of 100 acres for each share of stock, or 20,000 acres: The same land to be bounded in manner followinge namely from the place where the Towne in Martins Hundred is nowe seated called Wostenholme Towne,<sup>4</sup> five miles upward towards James Cittie and five miles Downeward towards Newportes Newes all alonge the great River called King James River and northward to the River called the Queens River alias Pacomunky . . .

"And to the end the said Adventurors their heires and Assignes may have the better meanes wherewith all to beare and support publique necessarie charges and other charges for the performance of pious duties tending to the glorie of god and spirituall benefitt of the people there to inhabite together with the good education of the Children and families of the Inhabitantes of this their particular Plantation: The said Treasurer and Companie doe by these presentes further grante assigne and confirme unto the said Adventurors their heires and Assignes fifteen hundred acres of land more over and above the foresaid proportion of 20,000 acres to be employed upon such publique uses and no other as the said Adventurors their heires and Assignes shall thinke meet.

\* \* \* \* \*

"And the said Treasurer and Companie do covenant promise and graunt to and with the said Adventurors their heires and Assignes that the said Treasurer and Companie and their successors shall at all times hereafter graunte letters deed or deedes of Incorporation by some usuall or fitt name and title to the said Adventurors their heires and Assignes and the people there inhabitinge under them with libertie to them and their successors from time to time to frame and make orders ordinances and constitutions for the rule government orderings and directinge as well of all persons transported or to be transported as aforesaid and settled upon the landes; as also of the landes and profittes thereby arisinge: So that the said orders ordinances and constitutions be not repugnant to the lawes of England or to the frame of government by the said Treasurer Counsell and Companie and their successors hereafter to be established ordinary appeales to the supreme Courtes onely excepted.

\* \* \* \* \*

"And the said Adventurors for them their heires and Assignes do covenant and promise to and with the said Treasurer and Companie . . . And lastly the said Adventurors their heires and Assignes shall place and mayntaine or cause to be placed and mayntained from time to time a sufficient Minister and Preacher of the word of God amongst the Inhabitantes of their said particular Plantation with allotment and allowance of such gleabe and landes and other profittes for his liberall mayntenance as the said Treasurer and Companie by their charters have appoynted or shall appoynte."

## NOTES • APPENDIX II

1. Kingsbury, *Records of the Virginia Company*, Vol. III, pp. 98-109.
2. The dotted lines within brackets indicate blank spaces in the manuscript.
3. Kingsbury, *Op. cit.*, III, 592-98.
4. Martin's Hundred was one of the strongest and most important of the Particular Plantations. Its name still exists as Martin's Hundred Magisterial District, situated in the eastern end of James City County. But the name of its town, "Wostenholme Town," has gone into oblivion. The location of this town must have been around the site of the first Martin's Hundred Parish Church. This site can still be shown.



### Appendix III

#### EXTRACTS FROM THE RECORDS OF THE VIRGINIA COMPANY CONCERNING THE SELECTION OF MINISTERS TO SEND TO VIRGINIA

The following entries in the records of the Virginia Company are typical of the rest and show the constant care taken by the Company for the spiritual welfare of the colony.

"Upon the Right Honorable the Ea. of Southamptons recommendations of mr Bolton Minister for his honestie and sufficiencie in Learninge, and to undertake the care and charge of the Mynistrie, The Company have been pleased to entertaine him for their Mynister in some vacant place in Virginia and have therefore referred him to the Committee to be treated and concluded w<sup>th</sup> touchinge his allowance and seated where they shall thinke fitt and convenyent for him." (Vol. I, 506, July 10, 1621. Mr. Bolton went to the plantations on the Eastern Shore,—Hun-gar's Parish,—and in 1628 he became minister of James City Parish.)

\* \* \* \* \*

"Itt was signified that Sr Frauncis Wyattes brother being a M<sup>r</sup> of Artes and a good Divine and very willing to goe w<sup>th</sup> him this present Voyadge, might be entertayned and placed as Mynister over his people and have y<sup>e</sup> same allowance towards the furnishinge of himselfe w<sup>th</sup> necessaries as others have hadd, and that his wife might have her transporte freed, w<sup>ch</sup> mocion was thought verie reasonable and ordered by ereccion of handes that hee should be entertayned and have the place hee desyred and the like allowance of monny graunted unto m<sup>r</sup> Bolton lately entertayned." (Vol. I, 516, July 16, 1621.)

This entry can be made clear by the explanation that Sir Frances Wyatt was going to Virginia as governor of the colony, and consequently the three thousand acres of "Governor's Land" was under his control. Because of the large number of tenants living on the Governor's Land the Company considered it to be a separate parish and gave to the governor the right to appoint the minister. In this case the governor's brother, the Reverend Mr. Hawte Wyatt, was accepted by the Company, funds appropriated for his equipment and passage, and the transportation of his wife also was given. The usual rule was that the Governor, or the proprietors of any particular plantation, in appointing a minister, would themselves pay the charges for his equipment and transportation. After serving as minister of the governor's land, Mr. Wyatt became minister of James City Parish in 1624 following the death of the Rev. Richard Buck.

"Mr Robert Staples a Minister commended much by m<sup>r</sup> Abraham Chamberlen and by Certificate from many Divines resident in this Citty reporting him to be of honest conversacion and a good Scholler: beinge desirous to goe to Virginia did nowe make request, that the Companie would please to entertaine him for their Minister there. But the Companie wantinge meanes to furnish him out did move that some Particular Plantacions would imploy him: Whereupon m<sup>r</sup> Darnelly signified that he thought that they of Martins Hundred wanted a Minister to whom he was recommended." (Vol. I, 544, October 30, 1621. Robert Staples' name does not appear on any record in Virginia. He may very possibly have been sent to Virginia to the charge of Martin's Hundred and died on the voyage, or within a few months of his arrival.)

\* \* \* \* \*

"Mr. Deputy acquainted the Court that one m<sup>r</sup> Leat a Minister beinge heretofore in Newfoundland and preacher there whome m<sup>r</sup> Slany the marchant commended for his civill and good carriage the said m<sup>r</sup> Leat havinge upon conference with some of Virginia heard a good report of that Countrie was nowe desirous to goe over not meaninge to put the Companie to any further charge then onely to furnish him with necessaries and such bookes as shall be usefull unto him hoping they would please recommend him to the Governor (w<sup>th</sup> whome he desires to remaine till a place in the Countrie become voide) that he then be preferred w<sup>ch</sup> request the Court thought verie reasonable and referred him to the generall Committee to be treated and concluded w<sup>th</sup> touchinge some moderate allowance to be bestowed upon him and have appointed him to preach upon sonday come sennight in St Scythe Church in the afternoone proposing severall textes unto him to take his choise, but being more willing to take what text the Companie would give him they have appointed him the 9th of Isay 20 verse." (Vol. I, 575, January 16, 1621/22.)

"Mr. Deputy signified that m<sup>r</sup> Leat the Minister beinge appointed to preach this last Sundy in St. Scyths Church upon a text the Comp<sup>a</sup> gave him had performed the same with good approbation and beinge still Desirous to goe to Virginia recommended to the Governor and Counsell there to remayne in expectance till some place in the ministry become voide, did therefore praye the Companie would please to furnish him with some smale allowance for bookes and other necessities: w<sup>ch</sup> request having bin formerly taken into consideracion it was thought fitt to allow him 20<sup>li</sup> to furnish him with bookes and apparrell, and to paye his transportation: w<sup>ch</sup> allowance the Court did well approve of." (Vol. I, 591, Jan<sup>y</sup> 28, 1621/22.)

"Wee send over m<sup>r</sup> William Leate a minister recommended unto us, for sufficiencie of learninge and integrity of life: if he be entertayned by

any privat societie; we shall expect the charges of 26<sup>li</sup> w<sup>ch</sup> y<sup>e</sup> Companie hath laid out for him, to be returned by the first in good Tobacco 18<sup>d</sup> per <sup>li</sup> and not above. (Vol. III, 651, June 10, 1622. This was a letter from the Council in London to the Governor and Council in Virginia.)

The Governor and Council in Virginia, writing to the Company under date of January 20, 1622/23, said: "The little experience we hadd of m<sup>r</sup> Leake (Leate) made good your Commendations of him, and his death to us very greveous." (Vol. IV, 15.)

\* \* \* \* \*

"The Court thought fitt to bestow a freedome upon m<sup>r</sup> Pemberton a Minister of Godes word, intending forthwith to goe to Virginia and there to imploye himself for the convertinge of the Infidelles." (Vol. II, 84. July 3, 1622. At the same meeting a share of land, 100 acres, was granted him. P. 89. The index of these Records lists his first name as John, but this does not appear in the records themselves. This action was taken just a few weeks before the news of the Great Massacre of March 22 reached England. Possibly that fact and the war of retaliation carried on against the Indians for several years may have prevented his going as a missionary to them. And yet, the records of a year later show that the land had been recorded as granted. Vol. IV, 210. There is no mention of him in any record in Virginia.)

\* \* \* \* \*

"The Company is by div<sup>rs</sup> waies informed that there is great want of worthie Ministers in Virginia wherefore they have entertained, and now send along, m<sup>r</sup> Thomas White a man of good sufficiencie for learning, and recommended for integritie & uprightness of life and of so great zeale to the Plantacion, that he is content to go w<sup>th</sup> that smale allowance the Companies stock is able now to afford him, and to put himself uppon such preferment there, as he shall deserve, and you shall be able to accomodat him w<sup>th</sup> w<sup>ch</sup> if it be of the places belonging to the Company, we have promised him here an addicion to the smale allowance he hath now received; and likewise that y<sup>r</sup> godly care and wisdomes will provide for him in some competent manner, till he may be furnished w<sup>th</sup> the full number of tenantes belonging to the Ministrie; w<sup>ch</sup> for him and all others shall we hope in the begininge of the Springe be accomplished: If he find enterテインment from any private hundred; then we shall expect from them the restitution of o<sup>r</sup> charges, that is six poundes for his passage and eight poundes delivered him towards the making of some provisions. As for bookes we doubt not but you will be able to supplie him out of the lybraries of so many that have died." (Vol. III, 506-07, September 11, 1621. Mr. White went to the parish of Elizabeth City [Kiccowtan] and held that charge until his death in 1624.)

*Appendix IV*

LAWS BEARING UPON RELIGION AND MORAL CONDUCT,  
AND CONCERNING THE INDIANS ADOPTED AT THE FIRST  
MEETING OF THE GENERAL ASSEMBLY IN 1619.

"By this present General Assembly be it enacted<sup>1</sup> that noe injury or oppression be wrought by the English ag<sup>st</sup> the Indians whereby the present peace might be disturbed, and antient quarrels might be revived. And further be it ordained that the Chicohomini are not to be excepted out of this Lawe, untill either that such order come out of Englande or that they doe provoke us by some newe injury.

Against Idleness, gaming, drunkenness & excesse in apparel, the Assembly hath enacted as followeth:

"First in detestation of Idlers, be it enacted, that if any man be founde, to live as an Idler or runegate though a freed man, it shall be lawful for the Incorporation or Plantation to w<sup>ch</sup> he belongeth to appoint him a M<sup>r</sup> to serve for wages till he shewe apparent signes of amèndment.

"Against gaming at Dice & cards be it ordained by this present Assembly that the winner or winners shall lose all his or their winnings & both winners and losers shall forfeit ten shillings a man, one ten shillings whereof to goe to the discoverer, & the rest to charitable & pious uses in the Incorporation where the faults are committed.

"Against drunkenes be it also decreed, that if any private person be found culpable thereof, for the first time he is to be reprovved privately by the Minister, and second time, publicquely, the Third time to lye in boltes 12 houres in the House of the Provost Marshall & to paye his fees, and if he still continue in that vice, to undergo such severe punishment, as the Governor & Councell of Estate shall think fitt to be inflicted on him. But if any Officer offende in this crime, the first time he shall receive a reproof from the Governour, the second time he shall openly be reprovved in the Church by the minister, & the third time he shall first be committed & then degraded. Provided it be understood, that the Govern<sup>r</sup> hath always power to restore him when he shall in his discretion thinke fitt.

"Against excesse of apparell, that every man be cessed in the Church for all publike contributions, if he be unmarried according to his apparell, if he be married, according to his owne & his wives, or either of their apparell."

"For Reformation of Swearing, every freeman and M<sup>r</sup> of a family after thrice admonition shall give 5<sup>s</sup> or the value upon presente demande,



to the use of the church where he dwelleth: and every servant after the like admonition, except his M<sup>r</sup> discharge the fine shall be subject to whipping. Provided, that the payment of the fine notwithstanding, the said servant shall acknowledge his faulte publicly in the Church."

"As touching the Instruction of drawing some of the better disposed of the Indians to converse with our people & to live & labour among them, the Assembly who know well their dispositions, thinke it fitt, to enjoin, at least to counsell those of the Colony neither utterly to reject them, nor yet to drawe them to come in. But in case they will of themselves come voluntarily to places well peopled there to doe service, in killing of Deere, fishing, beating Corne, & other workes that then five or sixe may be admitted into every such place, and no more, & that w<sup>th</sup> the consente of the Governour, provided that good guard in the night might be kept upon them, for generally (though some amongst many may prove good) they are a most trecherous people & quickly gone when they have done a villany. And it were fitt, a house were builte for them to lodge in apart by themselves, and lone inhabitants by no means to entertaine them."

"Be it enacted by this present assembly, that for laying a surer foundation of the conversion of the Indians to Christian religion, eache towne, citty, Borough, & particular Plantation do obtaine unto themselves by just meanes a certaine number of the natives children to be educated by them in true Religion & civil course of life. Of w<sup>ch</sup> children the most towardly boyes in witt & graces of nature to be brought up by them in the first Elements of litterature, so as to be fitted for the Colledge intended for them, that from thence they may be sent to that work of conversion."

"It shall be free for every man to trade w<sup>th</sup> the Indians, Servants onely excepted, upon paine of whipping unless the M<sup>r</sup> redeeme it off w<sup>th</sup> the payment of an Angell, one fourthe parte whereof to go to the Provost Marshall, one fourth parte to the discoverer, & the other moyty to the publique uses of the Incorporation where he dwelleth.

"That no man do sell or give any Indians any piece shott, or poulder, or any other armes offensive or defensive, upon paine of being held a Traytour to the Colony, & of being hanged, as soon as the fact is proved, w<sup>thout</sup> all redemption.

"That no man do sell or give any of the greater howes to the Indians, or any English dog of quality, as a Mastive, Greyhound, Blood hounde, lande, or water Spaniel, or any other dog or bitche whatsoever, of the English race, upon paine of forfeiting 5<sup>li</sup> sterling to the publique uses of the Incorporation where he dwelleth.

"That no man shall purposely goe to any Indian townes, habitations, or places of resort, w<sup>thout</sup> leave from the Gover<sup>nr</sup> or commander of that place where he liveth upon paine of paying 40<sup>s</sup> to the publique uses as aforesaid.

"Whosoever shall take any of his neighbors boates, oares, or canoas w<sup>th</sup>out leave from the owner shall be helde and esteemed as a felon and so proceeded against; also hee that shall take away by violence or stealth any canoas or other thinges from the Indians shall make valuable restitution to the said Indians, and shall forfeite, if he be a freeholder, five pound; if a servant 40<sup>s</sup>, or endure a whipping: and anything under the value of 13<sup>d</sup> shall be accounted Petty larceny."

. . . . .

"All Ministers in the Colony shall once a year namely in the moneth of Marche, bring to the Secretary of Estate a true account of all Christenings, burials & marriages, upon paine, if they faile, to be censured for their negligence by the Governour & Councell of Estate. Likewise where there be no ministers, that the commanders of the place doe supply the same duty.

"All ministers shall duely read divine service, and exercise their ministerial function according to the Ecclesiastical Lawes and orders of the church of Englande, and every Sunday in the afternoon shall Catechize suche as are not yet ripe to come to the Communion. And whosoever of them shall be found negligent or faulty in this kinde shall be subject to the censure of the Govern<sup>r</sup> and Councell of Estate.

"The Ministers and Churchwardens shall seeke to prevent all ungodly disorders; the committers whereof, if, upon goode admonitions and milde reproofe they will not forbear the said skandalous offences, as suspicions of whoredoms, dishonest company keeping with weomen and such like, they are to be presented and punished accordingly.

"If any person after two warnings doe not amende his or her life in point of evident suspicion of Incontinency or of the commission of any other enormous sinnes, that then he or shee be presented by the Churchwardens and suspended for a time from the Churche by the minister. In w<sup>ch</sup> interim if the same person do not amend and humbly submitt him or herselfe to the churche, he is then fully to be excommunicate and soon after a writt or warrant to be sente from the Govern<sup>r</sup> for the apprehending of his person & seizing all his goods. Provided alwayes, that all ministers doe meet once a quarter, namely at the feast of S<sup>t</sup> Michael the Arkangell, of the nativity of our Saviour, of the Annuntiation of the blessed Virgina, and about midsomer, at James Citty or any other place where the Govern<sup>r</sup> shall reside, to determine whom it is fitt to excommunicate, and that they first present their opinion to the Governour ere they proceed to the acte of excommunication."

"No maide or woman servant, either now resident in the Colonie, or hereafter to come, shall contract herselfe in marriage without either the consente of her parents or her M<sup>r</sup> or M<sup>rs</sup>, or of the magistrate & Minister

of the place both together. And whatsoever Minister shall marry or contracte any such persons w<sup>th</sup>out some of the foresaid consentes shall be subiecte to the severe censure of the Gover<sup>nr</sup> & Counsell of Estate."

"All persons whatever upon Sabaoth days shall frequente divine service & sermons both forenoon and afternoone; and all suche as beare armes shall bring their pieces, swordes, poulder, & shotte. And Every one that shall transgresse this Lawe, shall forfait three shillinges a time to the use of the Church, all lawfull & necessary impediments excepted. But if a servant in this case shall wilfully neglecte his M<sup>rs</sup> commande he shall suffer bodily punishmente."

#### NOTES • APPENDIX III

1. See McIlwaine, *Journal of the House of Burgesses of Virginia*, 1619-58/59, pp. 9-11, *passim*, for the laws quoted here. They have been placed together here according to their subject instead of in the order in which they appear in the Journal. These laws are not given by Hening; and it must be noted that the accounts of the first meetings of the General Assembly given by Sainsbury and McIlwaine are much more accurate than the account given by Hening.

## *Appendix V*

### EARLY DIOCESAN CANONS

1632 - 1649

At the session of the General Assembly of February-March, 1631/32, a complete revision of all the enactments and orders of former sessions was made and what was practically the first code of laws of the colony of Virginia was put into effect, the final action being to order that: "All former Acts and Orders made hertofore by any Assembly to be held and accounted repealed and of none effect."<sup>1</sup> After experience of several months, certain defects in these laws were revealed and, at a session held in September, 1632, they were remedied by amendment of the laws affected.

A distinctly large proportion of the laws of this Code of 1632 deals with the Church—18 out of 61, to be exact. They constitute the first body of statute laws governing the Church in Virginia as distinguished from the Church in the home land. A study of their provisions will show the conditions which the Church faced and how it tried to meet them.<sup>2</sup> These laws are as follows, with comments made upon each one:

#### ACT I.

*First*, It is ordered, That there be a uniformitie throughout this colony both in substance and circumstance to the cannons and constitutions of the church of England as neere as may bee and that every person yeild readie obedience unto them uppon penaltie of the paynes and forfeitures in that case appointed.

*Comment*: This Act put into effect officially in Virginia the "Constitutions and Canons Ecclesiastical" of the Church of England of 1603, "as far as they could be put into effect" in the lack of both bishop and diocesan organization. Strange to say, although these Constitutions and Canons Ecclesiastical were adopted by the Convocation of the Province of Canterbury in 1604 and presented to Parliament for adoption, they were never actually adopted by Parliament. So, theoretically speaking, they had a legal force in Virginia that they did not have in England.<sup>3</sup>

#### ACT II.

And it is thought fitt, That the statutes for cominge to church every Sunday and Holidayes be duliae executed what is to say that the church-



wardens doe levy one shilling for every tyme of any persons absence from the church haveinge no lawfull or reasonable excuse to bee absent. And for due execution hereof the governor and counsell togetheather with the Burgisses of this Grand Assembly doe in Gods name earnestlie require and charge all commanders, captaynes and church-wardens that they shall endeavour themselves to the uttermost of their knowledge that the due and true execution hereof may be done and had through this colony as they will answer before God for such evils and paynes wherewith Almighty God may justlie punish his people for neglectinge this good and wholesome lawe.

*Comment:* It is to be noted in this law that, while a penalty is laid upon persons not attending Church services, there was no penalty beyond the pangs of conscience provided in the case of persons in authority who failed to enforce it.

### ACT III.

It is ordered, That as many of the mynisters as convenientlie may, and one of the churchwardens at the least of everie parish be present yearlie at midsomer quarter cortes holden at James Citty, on the first day of June and there to make their presentments uppon oath togetheather with a register of all Burialls, christenings and marriages as likewise their accounts of all levyes, collections or disbursements as have beene or fallen out in their tymes concerning the church affayers. And further that they choose church-wardens at the feast of Easter yearlie.

*Comment:* This law ordered the continuance of a custom already in effect, requiring regular annual meetings of the clergy. Note (a) a churchwarden as a lay delegate from every parish, (b) a report to be made by every parish to the General Court, consisting of the governor and council of state, of (1) presentment of offenders against the moral law; (2) the official acts of the minister, or vital statistics; and (3) a financial report showing all receipts of levies and collections of tithes and their disbursement. (c) Churchwardens were to be chosen annually at Easter, although the law does not state who shall choose them. Note that nothing is said as yet that shows the existence of a vestry as that body was later established by law.

### ACT IV.

Noe man shall disparage a mynister whereby the mynds of his parishioners may bee alienated from him and his mynistrice prove lesse effectuall uppon payne of severe censure of the Governor and Counsell.

*Comment:* It is to be noted in this Act that, although the Code provides in Act XVIII for commissioners to hold monthly courts in various sections of the colony to "take into their cares the conservation of the peace, the quiet government and safetie of the people there residing or

being," and to hear and decide cases to the value of five pounds, the disparagement of a minister was deemed so serious an offence as to require its presentment to the governor and council sitting as the general court.

#### ACT V.

Noe mynister shall celebrat matrimony betweene any persons without a facultie or lycense graunted by the Governor except the banes of matrimony have beene first published three severall Sondays or holidayes in the tyme of divine service in the parish churches where the sayd persons dwell accordinge to the booke of common prayer, neither shall any mynister under any pretense whatsoever, joyne any persons so lycensed in marriage at any unseasonable tymes but onlie betweene the howres of eight and twelve in the forenoon, nor when banes are thrice asked, and no lycense in that respect necessary, before the parents or governors of the parties to be maryed yf they be under the age of twenty one yeares, shall either personally or by sufficient testimony, signifie to him their consents given to the sayd marriage.

*Comment:* This law concerning marriages gives evidence of growing stability of life. As compared with the law enacted in 1619, the new Act requires the announcement of the banns of matrimony as directed in the Prayer Book and proceeds to put into the Code of Virginia the provision written in the law of England, that a marriage might be celebrated without announcement of banns if a special faculty or license to that effect had been secured. In England such special licenses were granted by the bishop of a diocese. In Virginia, this and later laws upon the subject directed that such licenses be issued by the governor of the colony, or by an official appointed by him.

The requirement that marriages should not be performed at any time of day except between the hours of eight and twelve in the forenoon was in conformity with the rubric at the end of the marriage service in the Prayer Book of the Church of England (and, unfortunately, left out of the American Prayer Book since 1789) that: "It is convenient that the new marriage persons should receive the Holy Communion at the time of their Marriage, or at the first opportunity after their marriage."

#### ACT VI.

Every mynister in this colony havinge cure of soules shall preach one sermon every Sondag in the yeare, having no lawfull impediment, and yf the mynister shall neglect their chardge by unnecessarie absence or otherwise, the church-wardens are to present it. But because in this colony the places of their cure are in many parts farr distant; It is thought fitt, that the mynisters doe soe devide their turnes as by the joynt agreement of the parishioners shall be desired.

*Comment:* While as yet every particular plantation, hundred or city was considered a parish, it was frequently found necessary to permit a minister to assume charge of more than one parish for two reasons: one, because some of the parishes had too small population to provide a living salary and so would have to combine with an adjoining or a neighboring parish to form one cure; another, because of an insufficient number of ministers to fill all the parishes. This Act directed that, in such cases, the division of services between the two parishes should be by the joint agreement of the parishioners of both.

## ACT VII.

It is thought fitt, That uppon every Sondag the mynisters shall halfe an hower or more before eveninge prayer examine, catechise, and instruct the youth and ignorant persons of his parish in the ten commandments, the articles of the beliefe and the Lords prayer. And shall diligentlie heere, instruct and teach them the catichisme, sett forth in the booke of common prayer, and all fathers, mothers, maysters and mistresses shall cause theire children, servants, and apprentizes which have not learned the catechisme to come to the church at the tyme appointed obedientlie to heere and to be ordered by the mynister until they have learned the same. And yf any of the said ffathers, mothers, maysters, or mistresses, children, servants, or apprentizes shall neglect theire duties as the one sort in not causinge them to come, and in the other in refusinge to learne as afore-sayd, they shall be censured by the corts in those places holden.

## ACT VIII.

And it is further ordered and thought expedient, according to a former order made by the Governor and Counsell, that all church-wardens shall take this oath and that it be administered before those that are of the commission for the monthlie corts, vizt:

“You shall sweare that you shall make true presentments of all such persons as shall lead a prophane or ungodly life, or such as shall be common swearers, drunkards or blasphemers, that shall ordinarilie prophane the saboth dayes or contemne Gods holy word, or sacraments; you shall also present all adulterers or fornicators, such as shall abuse their neighbours by slanderings, tale carryinge or backbiting, or that shall not behave themselves orderlie and soberlie in the church during devine service. Likewise you shall present such masters and mistresses as shall be delinquent in catechizing of the youth and ignorant persons, soe help you God.”

*Comment:* It is noteworthy that, in this Act, a custom which was already in existence as an order of the Governor and Council was now en-

acted by the General Assembly. The House of Burgesses was in this case, even though it might be considered a small matter, showing its firm and continual stand that orders and rules issued by the governor and Council—all of whom were appointed by the king—could not be given the force of laws until they had been enacted by the representatives of the people in the House of Burgesses.

This Act put officially into the code of laws of the colony the duty imposed upon churchwardens of presenting to the civil courts, or to the grand juries, all offenders against the moral law; and it must be very clearly noted that these presentments were to civil tribunals and never to any form of ecclesiastical court. This law remained in force throughout the whole colonial period.

#### ACT IX.

When any person is dangerously sicke in any parish the mynister havinge knowledge thereof shall resort unto him or her to instruct and comfort them in their distresse.

#### ACT X.

In every parish church within this colony shall be kept, by the mynister a booke, wherein shall be written, the day and yeare of every christeninge, weddinge and burriall.

#### ACT XI.

Mynisters shall not give themselves to excesse in drinking, or ryott, spendinge their tyme idelie by day or by night playing at dice, cards, or any other unlawfull game, but at all tymes convenient they shall heare or reade somewhat of the holy scriptures, or shall occupie themselves with some other honest studies, or exercise, alwayes doinge the things which shall apperteyne to honestie and endeavour to profitt the church of God, havinge alwayes in mynd that they ought to excell all others in puritie of life, & should be examples to the people, to live well and christianlie.

#### ACT XII.

In every parish church within this colony the holy communion shall be administered by the mynister thrice in the yeare whereof the feast of Easter to be one.

#### ACT XIII.

And all preachinge, administeringe of the communion baptizinge of children and marriages, shall be done in the church except in cases of necessitie.

#### ACT XIV.

The Governor and Counsell, together with the Burgesses of this Grand Assembly uppon the petition of the mynisters within this colony, have



taken into their considerations by what way there might be a sufficient means allowed unto the sayd mynisters, for their mynistry, and thereupon have ordeyned and enacted, That there shall be payd unto the said mynisters, the former allowance of 10 lb. of tobacco and a bushell of corne, in such manner as formerlie hath been due. And because of the low rates of tobacco at present, it is further graunted and ordered that there shall be likewise due to the mynisters, from the first day of March last past, for and during the term of one whole yeare next ensueing, the twentyeth calfe, and twentyeth kidd of goates and the twentyieth pigge throughout all the plantations in this colony: and where the number of the calves, kidds, or pigges arise to twenty, then the owner is to choose five out of the sayd number of twenty, and the mynister to make choyse in the sixt place, but yf it soe fall out that the number bee lesse than twenty, then the mynister shall sett the price, and the owner either to take the sayd calves, kidds or piggs then fallen and to pay the mynister the twentyeth part or else the mynister to take the same and allow unto the owner so much as shall be due unto him. And it is thought fitt, That the owner shall keep the sayd calves, kidds, or piggs, untill the tyme that they be weanable, that is to say, for calves the owner to keepe them seaven weekes, and the kidds likewise seaven weeks and piggs one month. And the parishioners are to give notice unto their mynisters when they are to fetch their calves, kidds and piggs that be due unto them.

*Comment:* This was a temporary Act kept in force for two years only, in order to augment the salaries of the ministers during a period when the price of tobacco was too low to enable the usual salary to provide a living wage. The normal salary was ten pounds of tobacco and a bushel of corn from each tithable person in the parish. Although the better grades of tobacco from Virginia had sold in previous years in England as high as three shillings per pound, the price had continued to shrink until the General Assembly at this session had been compelled to fix a bottom price of sixpence per pound as the lowest figures at which tobacco could be given in barter for other goods from England.<sup>4</sup> Others Acts in this Code fixed the relative value of a bushel of corn as being equivalent to five pounds of tobacco.<sup>5</sup> If the minister should exchange his corn for tobacco, therefore, his normal salary would be valued at fifteen pounds of tobacco from each tithable person.

Judging by figures of assessment per tithable person for the expenses of government in 1632, given in Act XXV of this Code,<sup>6</sup> there were about 1,950 tithable persons in the colony. A century later it was estimated that the total population was about three times the number of tithables, but the proportion was somewhat higher in the early days. Taking the lower figure, however, of three to one, the population of the colony in the year 1632 may be roughly estimated as being about six thousand persons. These

were divided into twenty-five elective boroughs, with an average of 240 population, or 80 tithables. If every borough had remained a separate cure as originally planned, the salary of the minister would, under the prices paid in 1632, have been valued at about 800 pounds of tobacco and 80 bushels of corn. After exchanging his corn for tobacco, he would have had 1,200 pounds of tobacco, which, valued at sixpence, would have made his salary about thirty pounds sterling. It would seem quite certain that by 1632 parishes and cures were increasing in geographical extent, to contain in some cases two or more boroughs. But even where three average sized boroughs might be combined into one cure the minister's salary would have been valued at about ninety pounds sterling, which was less than half the salary planned by the Virginia Company in the first years.

#### ACT XV.

It is likewise ordered, That the mynisters shall have these petty duties followinge, vizt:

ffor marriage .....	2s-0
ffor churchinge .....	1 -0
ffor burrying .....	1 -0

*Comment:* It is to be noted that no fee was permitted for a baptism.

#### ACT XVI.

It is ordered, That uppon the 25th of October, yf it bee not Sunday, & then the day followinge the church wardens shall give notice to the parishioners, that they bringe in the dutie of 10 lbs. of tobacco for the mynisters unto a place to be appoynted, within that plantation by the church wardens, and that the mynisters be warned to be there, or appoynt some other to receive the same. And it is likewise ordered, That the dutie of a bushell of corne, be brought in uppon the 19th day of December to the place appoynted within that plantation, by the mynister. And no planter or parishioners may neglect the bringinge of the tobacco, or corne as afore-sayd, uppon the penaltie that yf any make default, they shall forfeite double the quantitie of tobacco and corne, to be levyed by distresse, by the authoritie of the commanders. And likewise all arrerages of tobacco and corne which have been due to the mynisters as duties shall and may be recovered by distresse, by virtue of this act of this Assembly, and yf the church wardens shall fayle in the execution of theire office, hereby enjoyned, then the commander shall take order, that what shall remayne unpaid, and owinge to the mynisters shall be levyed by distress out of the church wardens goods and chattels.

ACT XVII.

It is ordeyned and enacted, That in all such places where any churches are wantinge or decayed, the inhabitants shall be tyed<sup>7</sup> to contribute towards the buildinge of a church, or repayringe any decayed church. The commissioners together with the mynisters, church wardens and cheife of the parish, shall appoynt both the most convenient place for all parts to assemble togeather and also to hire and procure any workemen and order such necessarie businesses as are requisite to be done in such workes. This they are to effect before the feast of the nativitie of our Saviour Christ, or else the sayd commissioners yf they be deficient in theire duties to forfeite £50 in money. And it is ordered in like manner, That there be a certain portion of ground appoynted out, impaled or fenced in to be for the buriall of the dead uppon the penaltie of 20 marks.

*Comment:* This Act, adopted in September, continued the provision in the similar Act adopted in the preceding February, that all new church buildings which might be required and all church buildings which needed repair must be undertaken before the next Christmas. The Assembly was giving no extension of time to delinquents.

It is noteworthy that the duty of erecting new churches and repairing those in disrepair was still in the hands of the commissioners (later called the justices of the peace), acting in a meeting with the ministers and churchwardens, and the chief laymen of the parish. It is not stated whose duty it was to select the chief laymen. This was one of the transition steps by which the vestry, as a group elected by the parishioners, was developed.

There is nothing said in this whole Code of laws to show whose the duty was of selecting and appointing the ministers. This duty, along with the creation of new parishes, would seem still to have been under the charge of the governor and council sitting in an executive capacity, or as the General Court.

. . . . .

EXTRACT FROM ACT XXIII.

And it is therefore further ordered, That the present commander of the fort at Poynt Comfort, uppon the arrival of any shipp or shipps or other vessell out of the sea shall immediately make his repayre aboard and there require the commander, captayne, and master of the sayd shipp or shipps or other vessell to deliver unto him a true list of all such persons as were inbarqued in theire shipp at theire cominge out of England, togeather with theire ages, countreyes and townes where they were borne; and to keepe record of the same, and he the sayd commander of the fort shall administer unto them the oaths of supremacy and allegiance, which yf any shall refuse to take that he committ him or them to imprisonment, . . .

*Comment:* The purpose of this law was to keep out of Virginia all Roman Catholics and all Protestants who were disloyal to the king. No Roman Catholic could honestly take the oath of the king's supremacy, because that oath included an explicit denial of spiritual allegiance or obedience to the Pope or to the papal hierarchy. It must be noted that no one was required to take an oath of conformity to the Church of England. Other laws in the code made provision that only ministers who conformed to the doctrine, discipline and worship of the Church of England should hold parishes in Virginia, but there was nothing in the code which prevented any dissenter from settling in the colony provided he was loyal to the king and the royal government. It must be remembered that the difficulties between king and Parliament began in England in that year 1632, and the colony was determined to show its loyalty. For that reason, all persons who refused to take oaths of supremacy and allegiance upon their arrival at Point Comfort were to be imprisoned and held for questioning and, if necessary, deported from the colony.

#### ACT LX.

It is ordered, That the 22nd day of March be yearlie kept Holy day in commemoration of our deliverance from the Indians at that bloudie massacre which happened upon the 22d of March, 1621.

*Comment:* This was the first holy day of annual observance established by the Church of Virginia. In later years several other days were set apart as holy days of annual observance, and frequently special days of prayer and fasting, or of thanksgiving, were ordered by the General Assembly to be observed throughout the colony, because of some imminent danger or peril, or for some great deliverance for which man should praise God.

\* \* \* \* \*

The laws enacted from time to time in the decade after 1632 show the attempt to adapt the Church to new conditions as they were shown to exist. The little towns which had been established as the centers of cities, plantations and hundreds, were steadily dying out under the pressure of the widening fields required for the culture of tobacco. In 1633 an effort was made to establish five warehouses at strategic points to which all tobacco might be brought to be graded, and where payment of all obligations payable in tobacco was to be made. It was hoped that these warehouses would grow into market towns. An Act was passed at the session of February, 1632/33, establishing these warehouses, and another Act served to amend the former law as to the place where the tobacco due to the minister was to be delivered and directed that all of it from every parish should be brought to the nearest of these warehouses for grading and delivery.<sup>8</sup>



These Acts were followed in the next year, 1634, by the Act which changed the whole scheme of civil life in the colony from comparatively small townships as population centers and electoral boroughs to rural counties of much larger size with no population center at all. Virginia was divided into eight shires, or counties, "which are to be governed as the shires in England."<sup>9</sup> They were to have commissioners to hold monthly courts, and regular county organization of sheriff, sergeants and bailiffs, and these courts were given larger powers than the sectional county courts which they superseded.

At the session of February, 1632/33, an Act was passed which was required by the necessity of combining two or more of the small parishes into one cure.<sup>10</sup>

#### ACT IV.

##### *An Act that the Mynisters appoynt Deacons in remoate Places to read common prayer.*

In such places where the extent of the cure of any mynister is so large that he cannot be present himselfe on the Saboth dayes and other holy-days, it is thought fitt, That they appoynt and allow mayntenance for deacons where any having taken orders can be found for the reading common prayer in their absense.

*Comment:* It must be noted that this law very distinctly reflects the custom then of general observance in England, and declared in the service of ordination of deacons, that the function of the deacon in the church service was to assist the priest by reading prayers and the lessons from the Bible, and to assist at the celebration of the holy communion. He could not preach unless he had been "specially licensed thereto by the Bishop himself." The deacons as a rule were men who devoted their lives to service as schoolmasters and asked ordination to the diaconate in order to augment income by assisting the parochial ministers, and by reading prayers in their schools.

It must soon have become evident that few, if any, ministers in deacon's orders would come to the colony, and very shortly the custom arose of appointing a layman as a reader (in modern terminology a lay reader) to conduct the Prayer Book service and to read a homily from the Book of Homilies<sup>11</sup> in churches at which the minister could not be present in person. This layman was called a "clerk" and eventually there was a clerk appointed for every church to lead the responses when the minister was present and to conduct the service when he was absent. The minister also was frequently called a "clerk" and it is sometimes difficult, in reading old records, to determine whether a man described as a "clerk" was a minister, or the clerk of the County Court, the reader of the parish or the secretary of the vestry. The clerk first comes into statute law as a

church or parish officer at the session of the General Assembly in January, 1639/40. The actual acts passed at this session have not survived the lapse of time, and Henning could find titles only, or, at most, extracts from the laws that had been enacted. The record he gives includes the following:<sup>12</sup>

ACT VII. How public charges and impositions is to be paid, vizt: ministers 10 lb. per poll to maintain himself, clk, and sexton; etc.

At this session another Act was passed.<sup>13</sup>

Church wardens to present to monthly courts, and the court is to inflict punishments within their cognizance.

This law was required in order to authorize the churchwardens to make presentation of charges to the newly established county courts instead of the district courts. It must, doubtless, have been a reenactment of an earlier law adopted in 1634.

The enactments of the session of the General Assembly of April, 1642, also are lost. There remains, however, a "Remonstrance" (i.e., a showing again, or setting forth), signed by Governor Berkeley, telling of some of the actions of that session. Among other things that Assembly made provision for "the appropriating and accomodating of parishes with metes and bounds that God Almighty may be more duly served."<sup>14</sup> In the lack of the laws themselves, one can only surmise that the change from the system of cities, towns and hundreds to counties in 1634 had thrown the parishes into confusion, and that there was great uncertainty as to where the parish lines which had formerly followed the lines of an electoral district should now be located. It was quite necessary to know the exact boundaries of all parishes, both to ascertain the geographical limits of the authority of church wardens to make presentation to county courts and to assess tithes for church and parish expenses, and also to determine the need for combining parishes of small size into larger ones. This was probably the purpose of the law or laws to which Governor Berkeley referred in making this statement.

At the session of the General Assembly a year later, in March, 1642/43 a general revision of the laws of the colony was made. The laws governing the Church were materially changed and new provisions included. After ten years of development since the Code of 1632, it was seen that customs and methods which had been coming into general use, and whose value and importance had been proven, must now be written into law. The Church laws in the new code are as follows:<sup>15</sup>

In the first place Be it enacted for the advancement of God's glorie and the weale publique, that these orders & constitutions hereafter following concerninge the Church government be and remaine in full power, force & Vertue.

That there be a vestrie held in each parish, for the makeing of the leavies and assessments for such uses as are requisite & necessary for the repairing of the churches, &c., and that there be yearly chosen two or more churchwardens in every parish.

*Itt.* That the most sufficient and selected men be chosen and joyned to the minister and churchwardens to be of that Vestrie.

*Itt.* That there be a yearly meeting of the ministers and churchwardens before the commander & com<sup>rs</sup> (i.e. commissioners) of every county court in nature of a visitation according to the orders & constitutions of the church of England, which is there usually held every yeare after Christmas.

*Itt.* That there be an oath administered to the churchwardens that they deliver in a true presentment in writing of such misdemeanors as to their knowledge have been committed the year before, whilst they have been churchwardens, namely, swearing, prophaning God's name, and his holy Sabboth, abusing his holy word and commandments, contemning his holy sacraments or anything belonging to his service or worship.

*Itt.* If any person or persons of what degree or condition soever shall abuse themselves with the high & foule offence of adultery, whoredome or fornication or with the loathsome sinne of drunkenness in the abuse of God's creatures, of those and every those to make a true presentment.

*Itt.* That the littargie of the church of England for the administration of the word & sacrament, be duely performed according to the booke of common prayer, allowed by his Ma<sup>tie</sup> and confirmed by consent of parliament.

*Itt.* That the churchwardens shall likewise at that time deliver up on their oaths a true account of all leavies, collections & disbursements as have been in their time concerning church affairs whereby all things concerning the same may be fairely carryed. And all collections so made to be paid by the churchwardens, according to the order for the ministers duties, & brought to the place appointed by the churchwardens for the time being.

*Itt.* That there be a true & perfect register kept in a booke & yearly presented at the said visitation of all weddings, christenings & burials and that the clerke<sup>16</sup> of every parish shall present to the commander of every monethly court a list of all weddings, christenings & burials within their parish the present moneth.

*Itt.* That there be no marriage solemnized unless by a license under the signett from the Governour, or the banes lawfully published in the parish or parishes where both parties do inhabite.

*Itt.* That the said meeting or visitation be after the coming in of the new churchwardens & going out of the old, and that the old churchwardens be not discharged until they have given upp their presentment as aforesaid.

*Itt.* That there be a place sett out and allotted for the buriall of the dead in evrie plantation according to the appointment of the commander & minister of the place.

*Itt.* That every minister have his clerk<sup>17</sup> and also sexton, for the keeping cleane of the churches, & other services in the absense of the ministers according to the cannons of the church of England, & his or their meanes to be allowed by the parishioners.

That all freemen that are hired servants shall pay their own tithes and duties are to be collected per poll for the country service.

It is also enacted & confirmed, by the authority aforesaid that the vestrie of evrie parish with the allowance of the commander & com<sup>rs</sup> (i.e. commissioners) of the county living & resideing within the said parish, or the vestrie alone in case of their non-residence shall from henceforward have power, to elect and make choyce of their ministers, And he or they so selected by the commander and com<sup>rs</sup> or by the vestrie in case of non residence as aforesaid to be recommended and presented to (sic) the said commander and com<sup>rs</sup>, or vestrie alone, to the Governour & so by him admitted, Provided that it shall be lawfull for the Gov<sup>r</sup> for the time being to elect and admit such a minister as he shall allow of in James-Citty parish, And in any Parish where the Governour & his successors shall have a plantation provided he or they enjoy not that priviledge but in one parish where he or they have such a plantation. And upon the neglect or misbecomeing behaviour of the ministers or any of them, compl<sup>t</sup> thereof being made by the vestrie, the Governour & Council are requested so to proceed against such minister or ministers by suspension or other punishment as they shall think fitt & the offence require. Removeall of such ministers to be left to the Grand Assembly.

Be it further enacted and confirmed for the releife of diverse poore people that have been of very long continuance in the country, and are disabled to labor by reason of sickness, lameness or age. The vestrie of evrie parish are hereby enjoyned upon the complaint of such poore & unable persons to give them a certificate to the com<sup>rs</sup> of the county where such poore shall reside to testifie their poverty which shall free them from all publique charges except the ministers & parish duties.

Be it also enacted and confirmed That there be tenn pounds of tob<sup>o</sup> per poll & a bushell of corne per poll paid to the ministers within the severall parishes of the collony for all tithable persons, that is to say, as well for all youths of sixteen years of age as upwards, as also for all negro women at the age of sixteen years, And it is also further ordered for the better convenience & ease of the ministers that upon the twentieth of November if it be not Sunday, & then upon the day following (notice being first given by the churchwardens a week before), That the parishioners shall bring in the duties of tenn pounds of tob<sup>o</sup> for the ministers



unto a place appointed by the churchwardens in that plantation, And that the ministers be warned to be there, or appoint some others to receive the same, The said churchwardens to give the aforesaid warneing, And it is likewise ordered that the duties of a bushel of corne to be brought in upon the 19th of December to a place appointed by the churchwardens in that plantation by the minister (notice being given as aforesaid). The payment to be made by two bushells of ears for one bushell of shelled corne & so rateably. And it is further ordered that if any planter or parishioner do neglect the bringing of the corne or tob<sup>o</sup> as aforesaid, he or they for such default shall forfeit the quantity of tob<sup>o</sup> or corne to be leaved by distresse by the authority of the commander, And it is further established that the ministers petty duties shall be as followeth.

*lb. tob.*

For solemnization of matrimony without a lycense.....	40
If with a lycense.....	100
For burialls .....	10
For churching .....	10
ffor breaking ground in the church the pay is left to the churchwardens & vestrie.	
ffor breaking ground in the chancell att the discretion of the ministers. <sup>18</sup>	

*Comment:* This Act shows a very real and definite advance into a better organization of the Church. The term Vestry now appears in the statute law as indicating a group of men chosen to administer the affairs of the parish. As yet, however, the law is very indefinite. It provides only "that a vestrie be held in each parish for the purpose of making leavies and assessments as are necessarie for the repairing of the churches, etc."; and "that the most sufficient and selected men be chosen and joyned to the minister and churchwardens to be of that vestrie." Nothing is said as to the number of vestrymen, or who is to select them. Here is simply the fact that there is to be a vestry consisting, not of all the parishioners coming together into a parish meeting but a selected group to whom the temporal affairs of the parish were to be committed.

There were indeed earlier enactments concerning the appointment of a vestry appearing in laws which Hening did not find and so were not included in his *Statutes at Large*. The Acts, or some of them, adopted by the General Assembly in January-April, 1641/42, which Hening could not find, were discovered later and have been published.<sup>19</sup>

The first of these Acts is "For the careful and diligent service of God." After requiring all ministers to preach every Sabbath in the forenoon and to catechize "every Saboth day in the after-noon beginning from the First Saboth in March and soe continuinge till the last Saboth in November yearlie," the Act continues: "And it is further enacted by the Authori-

tie aforesaid That all and everye Article mentioned in the First Act of the Grand Assembye in the yeare of our Lord 1636 containing 13 Articles bee duely observed and kept to all intents and purposes:

"1. *First*, That there be a Vestry held in each p<sup>ish</sup> for the making of the levies, etc.

"2. *It*. that the most sufficient and selected men be chosen and joyned to the minister and church wardens to be of that Vestry.

"3. *Item*. That there bee yearely meetinge of the ministers, etc."

These three articles of 1636 are copied almost verbatim in the Act of March, 1642/43.

By its reference to the Act of the General (or Grand) Assembly of 1636, and from other evidence, it seems clear that the act creating the vestry as an elective body of laymen to manage the temporal affairs of the parish was first enacted, perhaps, as early as 1634.

Certain orders of the General Court throw further light upon the beginnings of the Vestry. The records of the General Court itself for that decade have been lost, but certain orders have come down hidden in other records. An item appearing in the Court Orders of Accomack County under date of September 14, 1635, seems to indicate that a Vestry Act was already in existence; that a group in Accomack Parish( acting as a vestry, had ordered the erection of a parsonage, and appeal had been taken to the General Court against their action:<sup>20</sup>

"At this Court Mr. William Cotton, Minister presented an order of the Court from James Citty, for the building of a Parsonage ordered by the Vestry; and because there have heretofore been no formal Vestry nor vestrymen appointed, we have from this present day appointed to be vestrymen those whose names are underwritten. (Here follow the names of the minister, William Cotton, and eleven laymen.)

"And further we do order that the first meeting of the sayd vestrymen shall be upon the feast day of St. Michael the Arch-Angel, being the 29th day of September."

In this case the county court appointed the vestrymen. A few years later the General Court itself placed the election of vestrymen in the hands of the parishioners. On March 9, 1641/42, the General Court made the following order:<sup>21</sup>

"It is ordered by this Court that there be a general notice given to all parishioners of this County for their meeting at James City for electing a Vestry, which notice is to be given by the minister upon Sunday next."

The General Assembly of March, 1642/43 was, therefore, continuing in the new code a plan which had been tried out during the preceding eight years and which had proven to be effective. It tightened up loose ends by directing that the churchwardens who were already provided for in every parish by laws previously enacted should be members of the Vestry. The Vestry of the parish, therefore, as definitely established in this Code of 1642/43, was to consist of all the officials having any authority, spiritual or temporal, within the parish bounds—the minister, the churchwardens, and a representative group of elected laymen.

But the tremendously important and utterly novel feature of this Code was that the authority to select the minister of the parish was now for the first time declared to be the prerogative of the vestry of the parish. That authority had tacitly, and without definite authorization, as far as is now known, passed from the Virginia Company or the proprietor of the several Particular Plantations and Hundreds into the hands of the governor and council of state sitting as the general court. By this statute, it passed definitely and finally into the hands of the parishioners themselves, acting through their own elected representatives. The statute directed that if the county commissioners, or any of them, lived within the bounds of the parish, they should join the vestry in choosing and presenting a minister, but, if no commissioners lived in the parish, the vestry should act by themselves in this matter.

It is also interesting to note that, in James City Parish, in which the seat of government was situated, the vestry did not have the right to select their minister, that privilege being given to the governor of the colony for the time being. And, further, if the governor held his residence in some parish other than James City Parish, he should have the right to appoint the minister of that other parish also. Possibly the reason for this provision lay in the fact that the governor was compelled, in the lack of a bishop, to perform duties which in England were performed by the bishop of the diocese. One of these duties was that of instituting as rectors the ministers presented to him by the vestries of the respective parishes. Another was that of deciding as to the propriety of granting clemency in appeals pleading "benefit of clergy." Still another consideration was the fact that ministers coming from England to the colony would, in most cases, present themselves to the governor, even though the rule had not yet been made which, in later years, required all incoming ministers to bring the governor credentials from the bishop of London. In all these duties, it would be of decided advantage and help to a governor seeking to do his duty to have at hand a minister of his own selection with whom he might advise, and in whose judgment he had confidence.

For the first time, also, a provision was written into the law concerning discipline. A minister who was guilty of misconduct might be presented

by his vestry to the governor and council sitting as the general court, and that court was given authority to suspend the minister in case of conviction, or to inflict lesser penalties. That court could not, however, remove the minister from the tenure of his parish. In England the bishop of the diocese was the only one with authority to do that. In Virginia the law directed that the General Assembly itself must act to inflict that extreme penalty.

Still another provision of this Code was the definite declaration as to what persons should be tithed for payment of the salary of the minister and other parish expenses. The earliest rule, that each settler should pay his proportionate share of the tobacco and corn due to the minister, was changed by the Act of October, 1629,<sup>22</sup> which directed that "all those that worke in the ground, of what qualitie soever, shall pay tithes to the minister." In this present code, however, the law was enacted which, with a few slight changes, remained in force throughout the remainder of the colonial period. The salary of the minister remained as before at ten pounds of tobacco and a bushel of corn from every "tithable"; and the term "tithable" was now defined to include every youth (i.e., every male youth) above the age of sixteen years, whether bond or free, and every negro woman (i.e., slave woman) of the age of sixteen years or more. The payment was no longer to be dependent upon the question whether the person worked in the ground and so was a producer but all persons in the colony included in the categories either of free males or of Negro slaves, both male and female, above the age of sixteen years were required to pay their part. Even the sick and the aged, who could secure exemption from public taxes, were expected to pay their parish dues. It is quite evident that this widening of the classification of tithables served to increase the salary of the minister; or perhaps it might be better to state that it increased the amount of tobacco and corn that he received.

It would also appear to be evident that this change in the statute law showed a definite settling of conditions of life. The whole wealth of the colony was based upon agriculture as before, but conditions of living were getting more settled, wealth was increasing, house servants, as distinguished from field hands, were being employed; and the beginnings of an urban population, which did not till the soil, were coming into being at Jamestown.

Another most interesting provision of the law was an effort to put into effect in Virginia a form of supervision of parish administration. This was customary in England under the supervision and official visitations of the archdeacons of every diocese. Lacking archdeacons as well as bishops in Virginia, the new law required a yearly meeting of the ministers and churchwardens of all the parishes in each county before their county commander (the military authority) and the county commissioners (the civil



and judicial authority). At these meetings, called "visitations," the churchwardens were to make their presentments of offenders and also deliver financial reports showing assessments made for parish expenses and receipts and disbursements thereof. The time fixed for these county visitations was to be immediately after the churchwardens for a new year had been elected. As an earlier law had directed that churchwardens should be elected at Easter, the date of this annual visitation would naturally be in the Easter season.

It would seem as if the General Assembly at this meeting made a careful survey of the parishes as regarded their territorial extent and population. Legislation was enacted affecting parishes in almost every county, dividing old parishes and making new ones in some counties, changing names and revising boundaries in others.<sup>23</sup> In the cases of four of the new parishes erected on the frontiers, the unusual provision was made that the parishioners in each of these parishes should have the right to elect burgesses, or representatives, in the General Assembly.<sup>24</sup> The reason for this would seem to have been that these new parishes were very sparsely settled and were of such size that the two burgesses for the county in which the parish was situated could not represent adequately so large a territory. In these parishes, the right to elect parish burgesses was a step toward greater self-government. This provision of the law continued in effect for a score of years or more, and then, its usefulness having passed, was dropped from the law in a general revision.

Certain other statutes adopted at this meeting of the Assembly of March, 1642/43, are of interest in a study of Church and religious conditions. "ACT XXXV, For the better observance of the Sabbath,"<sup>25</sup> ordered that "no person or persons shall take a voyage upon the same except it be to church, or for other causes of extreme necessitie." It forbade also all shooting on the Sabbath except in protection of property or for defence against the Indians. It may be noteworthy that, while this law prohibited hunting, it did not forbid fishing; and the law still stands in the present-day code of Virginia that one may not hunt on Sunday but still one may fish.

Two laws of greater import which were enacted at that time were Act LI, "concerning popish recusants" and Act LXIV, concerning conformity. Act LI reenacted a statute passed one year before, in January, 1641/42,<sup>26</sup> forbidding a popish recusant (i.e., a member of the Roman Catholic Church who refused to attend the services of the Church of England), to "hold at any time the office of secret counsellor, register, commissioner, surveyor, sheriff or any other publique place, but be utterly disabled for the same." The law further directed that every person elected or appointed to any of the aforesaid offices should take the oaths of allegiance and supremacy. "And it is further enacted, . . . that it should not be lawful

for any popish preist that shall hereafter arrive to remaine above five days after warning given for his departure by the Governor or Commander of the place where he or they shall be, if wind and weather hinder not his departure."

Act LXIV, concerning conformity, was as follows:<sup>27</sup>

"Ffor the preservation of the puritie of doctrine & unitie of the church, It is enacted that all ministers whatsoever which shall reside in the collony are to be conformable to the orders and constitutions of the church of England, and the laws therein established, and not otherwise to be admitted to teach or preach publicly or privately, And that the Gov<sup>r</sup> and Counsel do take care that all non-Conformists upon notice of them shall be compelled to depart the collony with all conveniencie."

*Comment:* Attention must be called to the fact that this law applied to ministers only; it did not apply to laymen. No minister whatsoever except those who conformed to the Anglican Church were to be permitted to preach or teach either publicly or privately, and the governor and Council with their power as the high court of the colony were to take care, just as soon as they received notice that a non-conformist minister had appeared in the colony, that he be compelled to depart "with all conveniencie."<sup>28</sup>

Neither this Act nor the Act concerning popish recusants forbade a Roman Catholic layman or a Protestant dissenting layman to live in Virginia. The Roman Catholic layman was forbidden to hold office, and his priest and the Protestant dissenting clergyman alike were forbidden to remain in the colony or to teach or preach while here. The gates of the colony remained open to every layman who would take the oaths of allegiance and supremacy and obey the laws.

This was the first time, as far as laws now in existence are concerned, in which a dissenting Protestant minister was forbidden to live in Virginia, although from the beginning no minister except one who would take the oath of conformity to the Church of England was permitted to hold a parish. The reason for this tightening of the law against non-conformity in 1643 is not at all hard to find. Virginia, as shown in Act LXXIII of that year,<sup>29</sup> was deeply concerned over the condition of party strife and civil war in England. That war was becoming a conflict between the Church of England, which was loyal to the king, and the dissenters, Puritans, Independents and Presbyterians, who sided with Parliament. Virginia was profoundly loyal to her king and proposed to remain so. The acts of her Assembly were far more immediately intended to prevent the presence in Virginia of dissenting ministers as fomenters of sedition and disloyalty to their king than they were to interfere with the holding of

other forms of religious belief. This law was enacted after the failure of the attempt made by the Puritans of Massachusetts to send Puritan ministers as "missionaries" from Boston to Virginia.

\* \* \* \* \*

After this session of the General Assembly, there was no general revision of the laws governing the church for a number of years. Certain enactments, however, in later sessions during the decade of the "forties" have a definite bearing upon the developing life of the Church. The following Acts were adopted at the session of February, 1644/45.<sup>30</sup>

### ACT I.

Be it enacted by the Governour, Counsell and Burgesses of this present Grand Assembly for God's glory and the publick benefit of the colony, to the end that God might avert his heavie judgments that are now upon us, That the last Wednesday in every month be sett apart for a day of ffast and humiliation, And that it be wholly dedicated to prayers and preaching, And because of the scarcity of pastors, many ministers haveing charge of two cures, Be it enacted, That a minister shall officiate in one cure upon the last Wednesday of everie month; and in his other cure upon the first Wednesday of the ensuing month, And in case of haveing three cures, that hee officiate in his third cure upon the second Wednesday of the ensuing month, which shall there be their day of fast, That the last act made the 11 of January, 1641, concerning the ministers preaching in the fore-noon and catechising in the afternoon of every Sunday be revived and stand in force, And in case any minister do faile so to doe, That he forfeit 500 pound of tobaccoe to be disposed of by the vestrey for the use of the parish.

*Comment:* This act was passed just a few weeks after the beheading of William Laud, archbishop of Canterbury, by Parliament. The news of this execution had probably not reached the colony, but undoubtedly the people in Jamestown knew how matters were going. This act is evidence of Virginia's growing anxiety concerning conditions in England, and they expressed it in terms of monthly days of fasting and prayer. There is no reason to doubt that these fasts were continued and held regularly until the final collapse and the beheading of their king. This statute indicates also the increasing difficulty of securing ministers from England, which compelled some ministers to try to serve as many as three parishes. The unsettled conditions in England were the cause and the supply of ministers was being cut off at its source.

## ACT II.

That everie minister shall reside and abide within his cure to perform such acts of his callinge (vizt.) baptize weak infants, to visit the sick and all other actions which pertain to his ministerial function, upon penalty as aforesaid.

## ACT III.

That where it soe falls out that any minister have induction into two or more cures farr distant one from another, whereby one cure must necessarily be neglected, It shall be lawfull for the parishioners of such a cure to make use of any other minister as a lecturer to baptize or preach, Provided it be without prejudice or hinderance to the incumbent that first had his induction, And that the priviledge shall be allowed to all other parts inconvenient and dangerous for repaire to the parish church.

*Comment:* Virginia was still suffering from the English custom of permitting a minister to hold the rectorship of more than one parish at the same time. In such a case in England, the rector would receive both salaries, or all the salaries when he held more than two rectories and would appoint vicars or curates to hold the services in the parishes other than the one in which he lived. In England, under normal circumstances, there were always enough ministers to enable a clergyman who held two rectories to appoint another minister as his curate in one of the parishes, and so each parish would have a resident clergyman; but in Virginia there was no extra supply of clergymen at all. The situation, bad enough when one minister held the rectorship of two adjoining parishes, would become intolerable if the parishes were in different sections of the colony. There would be no minister at all in one of them to baptize or visit the sick or celebrate marriages.

To correct this evil as far as possible, the General Assembly gave permission by this act to the vestry of such a parish to employ another minister of their own selection, if they could find one, to serve as "lecturer" or supply, regardless of the right of the inducted rector under normal circumstances to have full charge of the church buildings in his parish and control of all the church services. The salary of a lecturer when employed under this law would have to be paid either by assessment or by free contributions of the parishioners after the legal salary had been paid to the absentee rector. It is doubtful if there were ever many cases of this kind, but the system itself would be intolerable in a new and sparsely settled land. Sixty years later the General Assembly threw off the burden of this custom of pluralities altogether by enacting a rule that no minister would be permitted to hold the rectorship of more than one parish at a time.<sup>31</sup>



ACT IV.

That the eighteenth day of April be yearly celebrated by thanksgivinge for our deliverance from the hands of the Salvages.

*Comment:* The General Assembly was now setting apart a second day to be observed as a day of thanksgiving, and for the same reason as the first. April 18th was the anniversary of the second great Indian massacre, which occurred in April, 1644. No mention was made at this session of the earlier statute directing the observance annually of March 22nd as a holy day in remembrance of the first massacre of March, 1621/22, but as the law for the observance of that day had already been reenacted at two sessions of the Assembly it hardly seemed necessary to reenact it again. The last mention in the statutes of these two holy days of the Church of Virginia was at the session of March, 1657/58, at which time a law was enacted directing that both of these dates "be yearly kept holie in commemoration of our deliverance from the Indians, . . . And that the ministers of everie parish give notice thereof to the parishioners the Sabboth day next beforehand."<sup>32</sup>

ACT V.

That the election of every vestry be in the power of the major part of the parishioners who being warned will appear to make choice of such men as by pluralitie of votes shall be thought fitt, and such warninge to be given either by the minister, churchwardens or head commissioners.

*Comment:* In this statute the General Assembly finally answered the question as to who shall elect the vestry. The parishioners, basically the land-owners of the parish, are the proper persons to select their vestrymen.

ACT VI.

That whereas the churchwardens have been very negligent in the execution of their duties and office, The county courts shall hereby have power to call them in question, And if just cause be, to punish or fine them as the offence shall deserve.

*Comment:* In the lack of a bishop, the civil court was forced to inflict punishment upon parish officials who failed to perform their duty. Another and stronger statute to compel churchwardens to make presentments to the county courts was enacted in November, 1645, and also an act imposing a penalty of five hundred pounds of tobacco upon all masters of families who failed to send their children and servants to be catechized by the minister.<sup>33</sup>

An act adopted at the session of October, 1646,<sup>34</sup> shows the effect of the Indian massacre of 1644.

## ACT IV.

Whereas, by Act of Assembly, 1642, It was inacted concerning Minister's duties that every tithable person within their severall parishes respectively should pay unto their minister tenne pounds of tob<sup>o</sup> per poll: Be it now therefore inacted upon consideration that divers parishes are become very small by reason of the said massacre, and payment by consequence according to the aforesaid rate, of non-sufficiency to support the ministers; That it shall be lawfull for the vestrys of the severall parishes to augment the aforesaid rate of tenne pounds of tob<sup>o</sup> per poll to such competency as they in their discretion shall think fitt.

A disciplinary statute was found necessary at this session because seemingly of disregard of a law by ministers.<sup>35</sup>

## ACT XIV.

Whereas it is inacted anno 1642 in the ninth article of the first act of the sayd Assembly, that noe marriage should be solemnized unless by a lycense under the signett from the Gov<sup>r</sup> or the baynes lawfully published in the parish or parishes where both parties do inhabit: Be it now further inacted that what minister soever shall marry any persons contrary to the said act shall fforfeit the sume of 1,000 lb tob<sup>o</sup> to be disposed by the commissioners for the use of the county.

*Comment:* The penalty for officiating at runaway marriages was greatly increased in later years. Parson John Waugh of Potomac Parish in Stafford County was fined ten thousand pounds of tobacco and suspended for six months for one such marriage, and then, many years later, got into similar trouble again by performing a marriage for another runaway couple.<sup>36</sup>

\* \* \* \* \*

Again—at the session of the Assembly held a year later, in November, 1647, Virginia declared in no uncertain terms its attitude of loyalty to Church and King Charles in the face of conditions as they then existed in England. Parliament had banned the Prayer Book and forbidden its use in any church or chapel in England, and the king was even then held in virtual imprisonment.<sup>37</sup>

## ACT III.

Upon divers information presented to this Assembly against severall ministers for their neglects and refractory refusing after warning given them to read common prayer or divine service upon the Sabbath dayes contrary to the canons of the church and acts of parliament therein established, for future remedie thereof: Be it enacted by the Gov<sup>r</sup> Coun-

cil and Burgesses of this Grand Assembly, That all ministers in their severall cures throughout the collony, doe duely upon every Sabbath day read such prayers as are appointed and prescribed unto them by the said booke of common prayer, And be it further enacted as a penaltie to such as have neglected or shall neglect their duty herein, That no parishioner shall be compelled either by distresse or otherwise to pay any manner of tythes or duties to any unconformist as aforesaid.<sup>38</sup>

*Comment:* This act, releasing every parishioner from paying tithes to a minister who refused to use the Prayer Book, was so serious a reversal of the law of England that every rector in Virginia would under normal circumstances have appealed against it to the king and privy council in England. Except in the case of treason, which was without benefit of clergy, nothing but conviction of heresy or of moral delinquency in an ecclesiastical court and sentence of deposition from the ministry by his bishop could release a rector's parish from their obligation to pay his salary. He could collect it through the courts whether he was satisfactory to his parishioners or not.

The action, therefore, of the Virginia Assembly in releasing parishioners from this obligation under the circumstances stated clearly and obviously due to the fact that they considered the refusal of an incumbent minister to use the Prayer Book in the usual Sunday morning service, with the proper collect, epistle and gospel for the day, to be actually an act of treason against their king. Unquestionably, in the tense atmosphere of those days, the use of the Anglican liturgy was a shibboleth which determined whether a minister sided with king or Parliament.

It seems clear from the wording of the statute that, in spite of all laws to the contrary, some non-conformist ministers had found their way into the colony, or, perhaps with more probability, some one or two of the ministers already incumbent in parishes in Virginia had, like the Rev. Thomas Harrison of Nansemond County, changed from conformity to Puritanism after coming into the colony.<sup>39</sup> It is quite possible also that Mr. Harrison was the only minister in the colony who had actually turned against the king and that this statute was enacted for his particular benefit and as a warning to others who might be more or less disaffected. Certainly the name of no other minister is known who made such a turn. It is also of record that, within a year after the enactment of this law, Mr. Thomas Harrison had left Virginia and gone to Boston.

## NOTES • APPENDIX V

1. Hening, *Statutes at Large of Virginia*, I, 153-77. The repeal of all former acts is found on p. 177.
2. *Ibid.*, I, 178-202.
3. Anderson, *History of the Colonial Church*, 2nd edition, I.
4. Hening, *Op. cit.*, 188, Act XX.
5. *Ibid.*, I, 201, Acts LVII and LVIII.
6. *Ibid.*, I, 196, Act XXXV.
7. "Tyed," i.e. obligated, or under obligation. See Dictionary.
8. *Ibid.*, I, 203-06, 207, Acts I and III.
9. *Ibid.*, I, 224.
10. *Ibid.*, I, 208.
11. *Ibid.*, I, 226, 241. See, also, Article XXXV of the Articles of Religion in the Book of Common Prayer.
12. *Ibid.*, I, 226, Act VII.
13. *Ibid.*, I, 227.
14. *Ibid.*, I, 237.
15. *Ibid.*, I, 239-43.
16. The "clerk of the parish" was the secretary of the vestry and kept its records. He must be distinguished from the clerk (or "clark") of the church. The rector or incumbent minister appointed the clerk of the church; the vestry elected their own clerk. Quite frequently, however, one of the clerks appointed by the minister was elected also the clerk of the parish.
17. It is to be noted that, in this revision of the laws, the salaries of both clerk and sexton were ordered to be paid by the vestry as part of the usual expenses of the parish and were no longer to be paid by the minister out of his salary.
18. "Breaking ground in the church" referred to the custom of interment of persons of wealth or prominence in the aisles of the church, or in the chancel. Inasmuch as in theory the body of the church is for the use of the laity and the chancel more directly for the clergy, the fee for interment in the aisles went to the vestry, to apply upon ordinary parish expenses, whereas interment under the chancel was at the discretion of the minister, and the fee was paid to him. See W. A. R. Goodwin, *Record of Bruton Parish Church*, for the schedule of fees for interments set by the vestry of that parish.
19. *Virginia Magazine of History and Biography*, IX, 50 *et seq.*
20. *Accomack County Records*, Vol. I, 39. See, also, *Colonial Churches in the Original Colony of Virginia*, published by the Southern Churchman Company, Richmond, 1907, 1908. See Second edition, p. 101. Also *Historical Magazine of the Protestant Episcopal Church*, X, 86, note.
21. *Virginia Magazine of History and Biography*, VIII, 66; also *Historical Magazine of the Protestant Episcopal Church*, X, 86-7, footnote.



22. Hening, I, 144, Act IX.
23. *Ibid.*, I, 249-82, *passim*.
24. These four parishes were Lynnhaven Parish, in what later became Princess Anne County, and the three new parishes into which Upper Norfolk County was divided. See Hening, I, 250, Act XVI, 250-51, Act XVII, and 277, Act LXV. The name of Upper Norfolk County was later changed to Nansemond County.
25. *Ibid.*, I, 261.
26. *Ibid.*, I, 268-69. The earlier Act, of January, 1641/42, is found in *Virginia Magazine of History and Biography*, IX, 56.
27. *Ibid.*, I, 277.
28. For a discussion of the reason why this statute was enacted at this particular time, see *supra*, Chapter XII, p. 120.
29. Hening, I, 280-81.
30. *Ibid.*, I, 289-98.
31. McIlwaine, *Executive Journals of the Council of Colonial Virginia*, Vol. III, p. 245; April 27, 1710.
32. Hening, I, 458-59.
33. *Ibid.*, I, 309-12, Acts I, II, and V.
34. *Ibid.*, I, 328.
35. *Ibid.*, I, 332.
36. Goodwin, *Colonial Church in Virginia*, p. 315, and references. Also McIlwaine, *Executive Journals, Council of Colonial Virginia*, II, 136.
37. For further discussion of this subject see *supra*, Chapter XII, p. 121.
38. Hening, I, 341-42.
39. Goodwin, *Op. cit.*, p. 277.

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## Appendix VI

## DIOCESAN "CANONS" OF THE RESTORATION PERIOD

At the session of the General Assembly which began in March, 1661/62, a revision of the laws of the colony was undertaken and carried to completion. It was in effect a new code of laws for the colony of Virginia.

The preamble affixed to this code begins with the following:<sup>1</sup>

*Whereas* the late unhappy distractions caused frequent changes in the government of this country, & those produced soe many alterations in the lawes, that the people knew not well what to obey nor the judge what to punish, by which meanes injustice was hardly to bee avoyded, and the just freedome of the people by the incertainty and licentiousness of the laws hardly to be preserved. This assembly takinge the same into their serious consideration, and gravely weighing the obligations they are under to discharge to God, the king and the country, have by setting the laws diligently endeavored to prevent the like inconveniences, by causing the whole body of the laws to be reveiwed all unnecessary acts & chiefly such as might keep in memory our enforced deviation from his majesties obedience, to be repealed, and expunged, and those that are in force to be brought into one volume, etc.:<sup>2</sup>

And because it is impossible to honour the king as we should unlesse wee serve and feare God, as wee ought, and that they might shew their equall care *of church and state* they have sette downe certaine rules to be observed in the government of the church, until God shall please to turn his majesties pious thoughts towards us, *and provide a better supply of ministers among us.*

The statement made as to the rules to be observed in the government of the Church in the above preamble is of profound interest. One must note the distinction made by the use of the word "rules" instead of "laws." This distinction had not been made in earlier enactments and seems to mark a realization on the part of the Assembly that the conditions of the times, and not their inherent right, compelled them to assume the duty of legislating the Church. A plan had already been undertaken whereby they hoped that relief from the difficult situation of religion might be secured. The Rev. Phillip Mallory had already been sent to England to present the matter as strongly as possible to the king and privy council. The plan proposed would seem, from all the evidence that appears, to have included the establishment of fellowships at both the universities of Oxford and Cambridge to train men for the ministry in Virginia and

also to establish Virginia as a diocese and appoint and consecrate a bishop. For this reason, they described their canon laws as rules to be observed until his majesty's "pious thoughts" should turn towards Virginia and he should listen to her appeals for a help which he alone, as the temporal head of the Church, could give.

ACT I, *Church to be built or Chappell of Ease*.<sup>3</sup>

*Bee it enacted* for the advancement of Gods glory, and the more decent celebration of his devine ordinances, that there be a church decently built in each parish of this country, unless any parish as now settled by reason of the fewnes or poverty of the inhabitants be incapable of systeyning soe great a charge, in which case *it is enacted* that such parishes shall be joyned to the next greate parish, of the same county, and that a chappell of ease be built, in such places at the particular charge of that place.

*Comment:* This Act retains in the new code the requirement that a church must be erected in every parish and then added the further provision that, in the case of parishes in which, by reason of small population, the people should be unable to bear the expense of full parochial organization and support of a minister, the parish might be joined to an adjacent larger parish in the same county. In this case, a chapel of ease must be erected (provided a church building was not already in existence) in the territory of the small parish so dissolved at the expense of the people of that district themselves.

Technically speaking, the word "chapel" may properly be used with two different meanings. In one case, the term "chapel" is applied to a small place of worship consisting of a holy table and chancel rail and room for a few worshippers, erected as part of the structure of a large parish church or cathedral, and intended to be used for the smaller and more intimate services which will have but few in attendance. In the other case, the term is used in a parish of large geographical extent when a small church building is erected in a section remote from the parish church, for the benefit of people who live too far away to attend with any regularity. In this case, the small church building is called a "chapel of ease" because erected for the greater ease and convenience of the parishioners and to enable them to worship more regularly. Normally, in a large rural parish in colonial Virginia, there would be the main parish church (sometimes called the "mother-church") and one or two or even more chapels of ease, dependent upon the population to be served, and all of them being under the one parish vestry as a single ecclesiastical unit. It quite frequently happened, and still happens in rural parishes, that, in such a parish, with several church buildings, the larger churches will be called churches and the smaller ones chapels.

Because of the small territorial extent of some of the first parishes, this law permitting them to combine with adjoining larger ones was very useful. Ministers only too frequently were compelled to hold the charge of two parishes at one time in order to secure a living salary.<sup>4</sup> It was also true that, perhaps because of the very rapidity with which new settlers had come during the preceding decade and taken up land in the ever-advancing movement westward up the large rivers, some of the new parishes had not yet erected churches but were, for the time being, holding services in private houses. The Rev. Roger Green, in his appeal to the bishop of London, written in 1660 or 1661, said that "many parishes as yet want both Churches and Gleabes."<sup>5</sup> Such a general statement would properly include not only those parishes whose vestries were not interested (if there were any such) but also the cases in which it had not as yet been decided where the church buildings should be erected, and the vestry was continuing to permit worship in private homes until the best locations for churches should be agreed upon.<sup>6</sup>

#### ACT II. *Vestries appointed.*<sup>7</sup>

THAT for the makeing and proportioning the levyes and assessments for building and repaying the churches, and chappels, provision for the poore, maintenance of the minister, and such other necessary duties for the more orderly manageing all parochiall affairs, *Be it enacted* that twelve of the most able men of each parish be by the major part of the said parish, chosen to be vestry-men out of which number the minister and vestry to make choice of two churchwardens yearly, as alsoe in the case of the death of any vestry man, or his departure out of the parish, that the said minister and vestry make choice of another to supply his roome, *And be it further enacted* that none shall be admitted to be of the vestry that doe not take the oath of allegiance and supremacy to his majesty and subscribe to be conformable to the doctrine and discipline of the Church of England.

*Comment:* This Act for the first time fixes definitely the number of vestrymen in a parish vestry at twelve, to be elected by the major part of the parishioners, and directs that vacancies arising in the membership of the vestry are to be filled by the minister and remaining vestrymen. The act makes no mention whatever of the duration of the term of office of vestryman, or for the holding of elections at regularly recurring intervals. Quite obviously, for good or ill, the purpose of the General Assembly was to make membership upon the vestry a permanent position, subject to termination only by death, removal from the parish, or denial of the faith of the Church.



The Assembly which met in 1676 under the influence of Nathaniel Bacon and his "rebel" army, adopted an Act permitting new elections of vestrymen by the parishioners every three years if the parish so desired,<sup>8</sup> but this act was disallowed along with the other enactments of Bacon's Assembly. Although petitions came from more than one parish in 1677 for reenactment after the return of normal conditions, this was never done.<sup>9</sup>

It is quite true that real grievances did arise in many a parish when its vestrymen grew too old for active performance of their duties or became lax or arrogant; but in all such cases the persons aggrieved by the action or non-action of the vestry, whether parishioners or the minister of the parish, had the right to appeal to the General Assembly for correction of the abuse or dissolution of the old vestry and the ordering of a new election by the parishioners. There were from time to time during the following century quite a large number of such appeals, and in every case the House of Burgesses, or the governor and Council, heard the appeal and endeavored to see that justice was done.<sup>10</sup>

There were, perhaps, two reasons dominating the mind of the Assembly which may explain its refusal to permit regular elections of vestrymen. One was that the duties of vestries were specialized, including, besides the temporal affairs of the parish, the care of the poor, provision for the care and upbringing of orphans and the selection and oversight of proper masters and mistresses to whom the orphans were to be apprenticed, the presentation of offenders against the moral law to the county courts, and other civil duties. It would be better, therefore, in the long run to have the vacancies in a vestry filled by the action of the remaining vestrymen and the minister than to have them chosen at a popular election where mere popularity, to say nothing of less worthy reasons, might result in the election of men totally unfitted for such religious and public welfare duties.<sup>11</sup> The second reason may well have been that, in the lack of any normal organization of the Church, and because of the great difficulty of securing ministers, the vestry was the one permanent and continuing institution. The vestry represented by its very unchangingness of personnel the real interests of the Church and her parishioners much more truly than the changing and impermanent ministry.

It may be noted also in this Act that two churchwardens were to be elected annually by the minister and vestrymen. No distinction was made in colonial Virginia between senior and junior wardens, nor were the terms "rector's warden" and "people's warden" ever used. The churchwardens, usually acting together, were the executive officers of the vestry.

Two additional duties of a civil nature were placed upon the vestry by other acts adopted at this session of the Assembly. Act LXXVIII<sup>12</sup> established a method of keeping in the common knowledge of the people

of every community or precinct the boundaries of land owned by all individuals within the territory in which they all lived. This method was a form of "processioning" in which the neighbors in every precinct or neighborhood being assembled by certain persons appointed as "processioners" marched in procession along the boundaries of every farm or separate tract of land, blazing new trees and renewing landmarks whenever necessary. It was made the duty of every vestry once every four years to divide the parish into processioning precincts, appoint the processioners and set the time within which the processioning was to be done.

Act LXXIX,<sup>13</sup> after directing that the county court in every county must annually at every October court appoint surveyors of the highways, "who shall first lay out the most convenient wayes to the church, to the court, to James Towne, and from county to county, . . . and cause the said wayes to be kept free from logges and the bridges in good repaire," then made it the duty of the vestry of each parish upon the request of the surveyor of the highways within the parish bounds to collect a sufficient number of workmen from the families living within the parish to work the roads and repair the bridges wherever necessary.

#### ACT III. *Glebes to be laid out.*<sup>14</sup>

THAT for the better encouragement and accomodation of the ministry there be glebes laid out in every parish & a convenient house built upon them for the reception and abode of the minister according to his majesties instructions and that such provision be made for his maintenance in the valuable and current commodities of the country as may be really worth at least ffourescore pounds per ann. besides his perquisites and glebe viz. If in tobacco at the rate of twelve shillings the hundred, in corne att tenn shillings per barrell, if in mony by bills of exchange, and security to be given for the certaine payment, And in case of protest to be recovered here with fifty percent for damages.

*Comment:* The Assembly was doing its utmost for the financial security of the minister of a parish. In the lack of any real form of money, the salary must be paid in produce at the prices listed and in sufficient amount to secure a salary of £80 sterling besides his perquisites and the use of the glebe. To accomplish this tobacco must be accounted for at the rate of twelve shillings per hundred pounds, or one and one-third pence per pound. This would fix the salary, if paid wholly in tobacco, at 13,333 pounds. In later acts, the salary was definitely ordered to be paid in tobacco, and payment in corn or other products was eliminated. The usual perquisites consisted of the so-called "surplice fees" required to be paid for weddings and funerals. By an earlier law, no fee was permitted to be charged for

a baptism. The glebe, in addition to providing a residence for the minister, was a farm of about two hundred acres, which, if the minister were a good farmer, or cared to employ an overseer, he could develop into a source of considerable additional revenue by the cultivation of tobacco in addition to the food he could raise for his own table. It will be seen in a later act in this code that the earlier provision was continued permitting the minister to own or employ six tithable servants free of the usual taxes.

ACT IV. *Ministers to bee inducted.*<sup>15</sup>

"THAT for the preservation of the purity and unity of doctrine & discipline in the church, & the right administration of the sacraments noe minister be admitted to officiate in this country but such as shall produce to the governour a testimoniall that he hath received his ordination from some Bishopp in England & shall then subscribe to be conformable to the orders and constitutions of the church of England, and the laws there established, upon which the governour is hereby requested, to induct the said minister, into any parish that shall make presentation of him, and if any other person pretending himself a minister shall contrary to this act presume to teach or preach publicuely or privately, the governour and councell are hereby desired and impowered, to suspend and silence the person soe offending and upon his obstinate persistence to compell him to depart the country with the first conveniency as it hath beene formerly provided by the 77th act made at James Citty the second of March 1642."

*Comment:* This was a re-enactment, as shown in the law itself, of an Act adopted in March, 1642/43.<sup>16</sup> It should be noted, however, that a striking change had been made in this act of 1661/62 by the insertion of a clause which had not appeared in any of the earlier laws. This is the clause directing that a minister must present to the governor a certificate that he had been ordained by some bishop in England before being permitted to hold a parish or officiate in any way in Virginia. The fact that earlier laws were silent as to any such provision is evidence that no change had been previously made in the custom which had been in effect in the early days under the Virginia Company, under which it was possible for a minister of Genevan or Presbyterian ordination to hold a parish in Virginia if he were willing to take the oath of conformity and use the Prayer Book. Such a minister coming to Virginia would, doubtless, present a certificate from the archbishop of Canterbury permitting him to officiate in the Church of England.<sup>17</sup>

But conditions had changed immeasurably by reason of the changes wrought under Parliament and the Commonwealth. The efforts made during that period to destroy the Church of England root and branch



resulted in driving thousands of Anglican clergy out of their parishes and putting Presbyterian and Puritan ministers into their cures. From the sheer necessity to preserve the doctrine and orders and forms of worship of the Church of England, it became necessary, after the Restoration, to eject from Anglican parishes the ministers of other ordination who refused to conform. A law was passed by Parliament forbidding any minister to hold a parish of the Church of England except one who had been ordained in the Anglican Church.<sup>18</sup>

In this Act Virginia was putting into its own laws the same provision that Parliament was enacting in England. But, hard as it must have been in England to secure ministers of Anglican ordination to fill the parishes from which non-conformist ministers had been ejected, it was still harder to secure ministers in Virginia, and even after the passage of this law parishes sometimes employed ministers of non-Anglican ordination rather than remain without any ordained minister at all.<sup>19</sup>

The requirement was placed in this law that an incoming minister must present his credentials to the governor, thereby placing in his hands the right to approve ministers and to recommend them to vestries for their consideration. In the lack of a bishop or diocesan organization, this was the best safeguard they could find to protect parishes from unworthy ministers. But very definitely the governor could not, under this law, induct a minister into the rectorship of any parish unless and until the vestry of that parish had presented him for induction.

#### ACT V. *To provide Readers.*<sup>20</sup>

"THAT every parish not haveing a minister to officiate every Sunday doe make choice of a grave and sober person of good life and conversation to read divine service every intervening sunday at the parish church, when the minister preacheth at any other place."

*Comment:* Earlier laws had recognized the right of every minister of a parish to have his "clark" to make the responses and raise the tunes,<sup>21</sup> and it was the privilege of the minister to select and nominate to the vestry the man whom he wished to appoint to that office. But, because of the lack of ministers at this time, this present law gave to the vestry of a parish having only the part-time service of its minister the right to select a reader for themselves to hold services when the minister was officiating in another parish. This Act, doubtless, was intended to cover the provision made for holding services in vacant parishes by Act XXXII<sup>22</sup> of the previous session, under which the vestry of every vacant parish might select a reader "to reade the prayers and homilies of the church (where they can be procured) and to catechize children and servants." That



Act of 1660-61 included the provision that those readers selected by the vestries of vacant parishes "bee chosen by the advice and with the approbation of the next adjacent ministers," but this proviso was omitted in the Act of 1661/62.

Act III of February, 1644/45, it may be noted, gave permission to the vestry of any parish who did not have the full time of a rector the right to employ another clergyman as a lecturer, but by 1661 conditions had changed to such an extent that it was futile to suggest that the vestry of such a parish might employ another minister. There were no ministers to be had and they must, perforce, use laymen as readers or go without regular services altogether.

There seems to have been a little difference between the duties of readers and those of clarks, and eventually the name reader superseded to a great extent the name clerk as being less confusing with the office of clerk or clerk of the court and also as being more distinctive and descriptive. With the development of the choir as a group of singers to lead the singing and responses in the church services, the duties of the old clerk were no longer needed, but the reader to hold services in the absence of an ordained minister has become the lay-reader of the present-day canons of the Episcopal Church.

The one primary purpose of this law was to insure that every parish, whether it had an incumbent minister or not, should have services regularly every Sunday and regular catechizing of the children. If there were no minister, the reader would officiate. He would also read the burial service at funerals and, in case of emergency, baptize children in imminent danger of death. Unquestionably, also, in days when a number of adjoining parishes might be vacant at the same time, the readers would officiate at marriages.<sup>23</sup>

#### ACT VI. *Liturgie to be read.*<sup>24</sup>

"THAT the canons sett downe in the liturgie of the church of England for celebrating divine service and administration of the sacraments be duly observed and kept and that the whole liturgie according to the said injunctions be by the minister or reader at church and chappell every sunday thoroughly read."

#### ACT VII. *Church Catechisme.*<sup>25</sup>

"THAT neither minister nor reader teach any other catechisme than that by the canons appointed and inserted in the booke of common prayer and that the minister expound no other than that, that our fundamentals at least may be well laid, and that noe reader upon presumption of his owne abilities do attempt the expounding that or any other catechisme or the scriptures."

ACT VIII. *Minister to Preach Weekly.*<sup>26</sup>

"THAT the minister of every parish preach constantly every sunday (viz.) one sunday in a month at each chappell of ease in his parish (if there be any in it) and the other sundays at his parish church and that twice a yeare at least he administer the sacrament of the Lords supper there."

*Comment:* The above Acts seem to need no comment beyond the observation that the new code continued the enforcement of the law adopted in November, 1647, requiring the use of the proper prayer book service every Sunday. The Puritans had gone but the law of 1657/58 leaving to the vestry of each parish the authority to decide whether or not the Prayer Book was to be used<sup>27</sup> was still in effect. The above Acts VI and VII took all such authority away from the parishes and vestries and required every parish in the colony to use the Prayer Book regularly and no other form of service or catechism. The Quakers were by this time coming in rather considerable numbers into the colony and were beginning to cause concern to the authorities.

ACT IX. *Sundays not to bee profaned.*<sup>28</sup>

"THAT the Lords day be kept holy, and that noe journeys be made on that day except in case of emergent necessity, And that noe other thing, be used or done, that may tend to the prophanation of that day. But that all and every person and persons inhabiting in this country haveing noe lawful excuse to be absent shall upon every sunday and the fower holy days hereafter mentioned, diligently resort to their parish church or chappell accustomed then and there to abide orderly and soberly during the time of comon prayers preaching or other service of God, upon penalty of being fined fifty pounds of tobacco by the county court upon presentment made by the churchwardens who are to collect the same with the parish levies. *Provided alwayes* that this act include not Quakers or other recusants who out of non-conformitie to the church totally absent themselves but that they shall be lyable to such fines and punishments as by the statute of 23rd of Elizabeth are imposed on them, being for every months absence twenty pounds sterling and if they forbear a twelve-month then to give good security for their good behaviour besides their payment for their monthly absences, according to the tenor of the said statute, And that all Quakers for assembling in unlawfull assemblies and conventicles be fined and pay each of them there taken, two hundred pounds of tobacco for each time they shall be for such unlawfull meeting taken or presented by the churchwardens to the county court and in case of the insolvency of any person amonge them, the more able then taken to

pay for them, one halfe to the informer and the other halfe to the publique.”

*Comment:* Because discussion of the Quakers has been taken up elsewhere, it is omitted here. Attention must be called to the fact of the “fower holy days” which must be observed as days of obligation of church attendance as strictly as Sunday itself. These were holy days of the Virginia Church set apart by the Grand Assembly, only two of which were recognized in England. They are listed in subsequent laws of this code.

ACT X. *The 30th of January to be kept ffast.*<sup>29</sup>

“WHEREAS our late surrender and submission to that execrable power that so bloodyly massacred the late king Charles the first of ever blessed and glorious memory, hath made us by acknowledging them, guilty of their crimes, to shew our serious and hearty repentance and detestation of that barbarous act *Be it enacted* that the thirtieth of January the day the said king was beheaded, be annually solemnized with ffasting and prayers, that our sorrows may expiate our crimes and our teares wash away our guilt.”

ACT X. *The nine and twentieth day of May to be kept holy.*<sup>30</sup>

“SINCE God of his mercy hath bin pleased to restore our late distracted kingdomes to peace and unity and his late distressed majestie to the throne of his royall ancestors *Be it enacted* that in testimony of our thankfulness and joy, the twenty ninth of May the day of his majesties birth and happy restitution be annually celebrated as an holy day.”

*Comment:* These two of the holy days of obligation established in the Virginia Church were adopted as following the precedent set in England, although the preamble of the act for making January 30th a fast-day has clearly a Virginian touch as it speaks of “our late surrender to that execrable power.” The two others of purely Virginian origin and use were the 22nd of March and the 18th of April, being respectively the days of thanksgiving ordered to be kept because of the delivery of the colony from the dangers of the two great massacres of 1622 and 1644.

An Act of this code, enacted for quite a different purpose, states definitely these four holy days. It is as follows:

ACT LVIII. *Noe arrests to be made on Sabbath days.*<sup>31</sup>

“WHEREAS it hath beene the frequent practice of sheriffe and their officers for their owne ease and benefitt to repaire to the churches and other places of publique meetings on purpose to serve warrants and exe-

cutions and other writts by which means men in danger of arrest have bin deterred from the service of God and the King. *Be is enacted* that noe sheriffe nor his officer shall henceforth execute any writt or warrant upon any person or persons either upon the Sabbath day or upon the day of humiliation for the death of the late king of blessed memory, or upon the days appointed for thanksgiving for his majesties happy inauguration, and for the deliverances of this country from the two bloody massacres, nor at the times of general muster or election of burgesses: *Provided always* that it shall and may be lawful for the sheriffe or any other officer to apprehend and carry to prison any person or persons for riott ffelony or suspision of ffelony or escape out of prison when under execution, upon any day at any place, anything in this act to the contrary notwithstanding."

*Comment:* One further local holy day of the Church in Virginia was ordained two years later. A very dangerous conspiracy led by a number of indentured servants in Gloucester County was approaching its day of outbreak in September, 1663 when, on the night before, it was revealed by one of the conspirators. The conspirators were to assemble and set up their standard of revolt at a locality called Poplar Spring,<sup>32</sup> and if the plans had not been discovered in time and the ringleaders arrested the resultant uprising would have been a major disaster in the life of the colony. One suggestion concerning its origin was that it was fomented by political prisoners, servants and soldiers of the Cromwellian regime, who had been arrested and sentenced to servitude in the colonies.<sup>33</sup> This seems to be the most plausible reason, although no definite evidence exists to prove it.

After the execution of the ringleaders, the Assembly gave to Birkenhead, the one who had revealed the plot, his freedom from further servitude and a grant of 5,000 pounds of tobacco and then adopted the following Act:

*ACT. An act for keeping holy the 13th of September.*<sup>34</sup>

"WHEREAS it is evident that certaine mutinous villaines had entered into such a desperate conspiracy as had brought an enevitable ruyne to the country had not God in his infinite mercy prevented it, this grand assembly to testify their thanks to Almighty God for soe miraculous a preservation *have enacted* that the thirteenth of September, the day this villanous plot should have been putt into execution, be annually kept holy to keep the same in a perpetuall comemoration."

Other laws were re-enacted from previous laws dealing with duties of ministers and churchwardens.



ACT XII. *None to be married but by Ministers, nor by them but by lycence, or publishing the bannes.*<sup>35</sup>

"THAT noe marriage be solemnized nor reputed valid in law but such as is made by the ministers according to the laws of England, and that noe ministers marry any persons without lycence from the governour or his deputy, or thrice publication of banes according to the prescription of the rubrick in the comon prayer booke, which injoynes that if the persons to be married dwell in severall parishes the banes must be asked in both parishes, and that the curate of one parish shall not solemnize the matrimony untill he have certificate from the curate of the other parish, that the banes have been there thrice published, and noe objection made against the joyning of the parties together, And if any minister shall contrary to this act marry any persons, he shall be fined tenn thousand pounds of tobacco, and any pretended marriage hereafter made by any other than a minister be reputed null, and the children borne out of such marriage of the parents, be esteemed illegitimate and the parents suffer such punishment as by the laws prohibiting fornication ought to be inflicted."

*Comment:* In this Act the General Assembly was re-affirming the rule concerning marriages which had been in effect from the beginning of the colony. The special reason for the emphatic statements that no marriage shall be reputed valid but such as is made by the minister according to the laws of England and "any pretended marriage hereafter made by any other than a minister be reputed null, and the children borne out of such marriage of the parents be esteemed illegitimate," would seem to have been because the Parliament of England in August, 1653, had enacted a law taking religion entirely out of the marriage service and ordering it to be performed by a justice of the peace. Another reason was that the Quakers had their own form of wedding which did not make use of the Prayer Book service nor require the presence of a clergyman as the officiating minister.

But, however desirable it might have been to emphasize the importance of the religious and sacramental aspects of Christian marriage, this act simply could not be enforced at a time when, if Roger Green's statement in his pamphlet, "Virginia's Cure," is correct, not more than one-fifth of the parishes in Virginia had settled ministers.<sup>36</sup> As, according to his statement, there were fifty parishes in the colony at that time, it would mean there were not more than ten men in the whole colony with its population of forty thousand who could legally solemnize a marriage.

The law set an ideal which remained upon the statute books until after the Revolution, but quite obviously during the two decades after its enactment with no change in the law and no authoritative permission given as far as is known, some other official in each vacant parish, a layman,

must have been permitted to officiate at marriages. That official beyond question would have been the reader of the parish. The case mentioned above in the comment on Act V, in which the vestry of Christ Church Parish in Middlesex County directed Mr. Hughes, the reader at the upper chapel, to account to the newly appointed minister for the fees of all marriages performed by the reader since the arrival of the minister is clear evidence that in this parish a reader was solemnizing marriages during the vacancy.<sup>37</sup> It would be much more difficult to think of this as an unique case than to perceive that this was the customary method in vacant parishes during those hard years when there were no ministers at all to be secured. Once again the Church in Virginia was forced to turn to her laymen for the performance of duties which properly belonged to the ordained ministry.

ACT XIII. *Churchwardens to make Presentments.*<sup>38</sup>

"THAT the churchwardens shall twice every yeare (viz.) in December court and Aprill court deliver a true presentment in writing of such misdemeanors as to their knowledge, or by comon fame have beene comitted whilst they have beene churchwardens, namely swearing, profaneing Gods holy name, or sabbath abuseing or conteming his holy word or sacraments or absenting themselves from the exercises thereof, as also those foule and abominable sins of drunkennes fornication and adultery, and of all malicious and envious slandering and backbiting for the better manifestation whereof the said churchwardens are impowered to cause all such persons upon whose reports they ground their presentments to appeare at the next county courts to which the presentments are made to give their evidence concerning the same."

ACT XIV. *Churchwardens to keepe the Church in repaire and provide Ornaments.*<sup>39</sup>

"And it is further enacted That the said churchwardens take care and be impowered during their churchwardenship to keepe the church in repaire provide books and decent ornaments (viz.) a greate bible two comon prayer books, a communion cloath and napkin, a pulpitt and cushion, this present yeare, and after annually something towards communion plate, pulpitt cloath and bell as the ability of the parish will permitt, and that they the said churchwardens doe faithfully collect the ministers dues, cause them to be brought to convenient places and honestly pay them, and that of all the disbursements and receipts they give a true account to the vestry when by them required who are impowered by a former branch of this act to levie the same upon the parish, and by this to give the said churchwardens a sufficient discharge."

*Comment:* In addition to the duties stated in former codes of keeping the church building in repair and collecting the minister's salary, this Act, re-enacting and making more explicit an Act passed in the preceding year<sup>40</sup> gives specific direction as to the purchase of the customary "ornaments" of the church, in order, to quote the wording of an earlier act, "that all things may be done decently and in order." No Act adopted prior to the period of the Commonwealth had deemed it necessary to list the ornaments; but, after that period of disruption and the permission given to the vestries to handle this and similar parochial matters according to "their own ordering and disposeing,"<sup>41</sup> the Assembly was now taking care that there should be uniformity throughout the colony in making all necessary provision for the observance of the accustomed usages of the Church with all convenience and orderliness.

It is interesting to note what the ornaments of the church were declared to be: The "greate bible" for reading the lessons; two common prayer books ("in folio" according to the wording of the Act of the previous year), one for the officiating minister and the other for the use of the "clark" in making responses and leading in the singing of the psalms; the communion cloth and napkin, which were, of course, the "fair white linen cloth" for covering the holy table at the time of the celebration of the Holy Communion, and the napkin, or "fair linen cloth," with which to cover the vessels containing the consecrated elements, as directed in the rubrics in the prayer book; the pulpit and cushion, the cushion being usually covered with velvet or damask and placed upon the reading desk from which the minister preached, in order to hold his sermon. The colonial church had no lecturn as a separate piece of furniture distinguished from the pulpit, but the Bible used in the reading of the lessons at morning and evening prayer was placed upon the reading desk from which the minister read the service. The desk was always different from the "pulpitt" from which the minister preached although it was within the pulpit structure.

It was the usual rule that the pulpit structure in every church contained three reading desks upon different levels. The clerk stood at the lowest desk, the minister stood at the second desk to conduct the services of morning and evening prayer, litany and ante-communion; and then, when the time came to preach the sermon, he removed his surplice and put on the black scholastic or "geneva" gown, and went up to the top-most reading desk as the pulpit from which he preached. The minister did not preach in his surplice, because the sermon was considered to be not a liturgical but a scholastic function, and the use of the surplice was confined to the liturgical service. Indeed it is true that the early custom of wearing the surplice while conducting the service and the black gown when preaching continued in general use in Virginia and elsewhere in



the Episcopal Church in the United States until after the War Between the States.<sup>42</sup>

After the ornaments which must be secured during the first year had been provided for, the remaining were to be secured by laying aside a certain amount each year until sufficient funds had been saved up to cover their cost. These additional ornaments were a set of communion vessels, a "pulpitt cloth" or antependium, and a bell.

It may be noted that the surplice was not included as one of the ornaments in the above list, for the reason obviously that the surplice, as well as the scholastic gown, were garments which should rightly be considered the personal property of every minister, and not necessarily to be purchased by the vestry as church property. The custom varied with some vestries, as that of Christ Church Parish in Middlesex ordering linen every few years for the making of surplices,<sup>43</sup> and others, as Christ Church Parish in Lancaster, and Abingdon Parish in Gloucester making no such provision,<sup>44</sup> and not using surplices at all.

ACT XVI. *Registers to be kept by the Minister or Readers.*<sup>45</sup>

"WHEREAS many differences doe frequently arise about the age of orphans, and inquiries are often made for persons imported into this country and here deceased, and no positive certificate can be granted of the age of the one, or the death of the other, by reason noe registers have bin kept, which might by the record there entred evidence the same, *Be it therefore enacted* that the minister or reader of every parish shall well truely and plainly record all births burials and marriages which shall happen within the precincts of the parish in a booke to be provided by the vestry for that purpose, And if any master of a family or other person whome it may concerne shall omitt of giving notice to the same minister or reader of the day of the birth, death or marriage of any to him or them related the space of a month such person shall for such his neglect be fined one hundred pounds of tobacco, and that the minister or reader have for their entry of such birth death or marriage ffifty pounds of tobacco and if they neglect entring the same as aforesaid that they be fined upon discovery made of the same neglect five hundred pounds of tobacco to the use of the parish."

*Comment:* It is to be noted that neither here nor in the earlier laws upon this subject was there any requirement that a list of baptisms should be kept. In every enactment the requirement was that records of births should be kept. It is true that in the earlier years, before the time of the Anabaptists, who denied the validity of infant baptism, and of the Quakers, who refused to believe in any outward form of sacrament, the fact of baptism of an infant was as inevitable as that of its birth, and occurred



within a very few days of nativity. With the spread of Anabaptist doctrines, however, and the coming into prominence of the Quakers, it became more and more uncertain, as time passed, whether a list of baptisms and one of births in any parish would be altogether the same list. The matter was further complicated by the presence of Negro heathen slaves. Efforts at Christianizing them and also of bringing the children of slaves to baptism were left entirely to the earnestness and missionary zeal of the families owning such slaves and of the minister of the parish.

This particular law, however, required a civil duty of the minister rather than a religious one. It was intended to provide for a regular and trustworthy record of population having the primary purpose of ascertaining how many taxable units or tithable persons there were in every parish and in the colony. This was essential because the bulk of money raised for public and parish purposes was by an assessment of so much per poll. While, as indicated in the Act itself, there had been some, and perhaps considerable, neglect in past years in the keeping of such lists, the penalties for infraction were now made sufficiently severe to induce both private individuals and the minister or reader to endeavor to obey the law. Caution should, therefore, be observed by persons who examine the lists of births in the colonial parish registers, and no record should be considered the record of baptism unless the date and fact of baptism is recorded in addition to the date of birth. Indeed, as there was no law to require the recordation of baptisms in the parish register, it is quite probable that a great many ministers did not record them.

#### ACT XVII. *Lycenses for Marriages how to issue.*<sup>46</sup>

*Comment:* This Act gives the method for securing a license to be married instead of the more usual custom of announcing the banns of marriage. The law of Virginia following that of England provided, as the usual procedure, that the banns, or announcement that a marriage is to take place between M. and N., should be read as one of the notices during the church service on three successive Sundays, thereby giving public notice to the whole parish that these two persons are to be married. But, where persons of sufficient wealth or ready money desired marriage in a shorter period than the fifteen or more days required for announcing the banns, they might secure from the bishop of the diocese, and in Virginia from the governor, a license permitting the marriage to take place without announcing the banns. This law directed that, because the governor could not secure the necessary information to enable him to judge of the desirability of issuing a license in a population as large and scattered as that of the colony, he might appoint his deputies in every county, and the clerk of the county court, after securing the necessary information and

marriage bond of the prospective bridegroom, must prepare the license and present it to the governor's deputy for signature. Then the clerk once a year must report all such marriages by license to the sheriff, who would then collect from the bridegroom the fees involved, as follows:

For the governor.....	200 pounds of tobacco, or 20 shillings
For the clerk.....	50 pounds of tobacco
For the secretary of the colony.....	40 pounds of tobacco
For the minister of the parish.....	200 pounds of tobacco, or 20 shillings

And, finally, the Act directed that the fee to the minister for marrying a couple after announcing the bans should be fifty pounds of tobacco or five shillings. Five shillings was the exact value in English money of the Spanish "piece-of-eight", which was the coin most commonly found in use,<sup>47</sup> and, doubtless, it was the usual coin which the parson pocketed when he performed the marriage.

#### ACT XVIII. *Provision for a College.*<sup>48</sup>

"WHEREAS the want of able and faithful ministers in this countrey deprives us of those great blessings and mercies that always attend upon the service of God; which want, by reason of our great distance from our native country, cannot in probability be always supplied from thence: Bee it enacted, that for the advance of learning, education of youth, supply of the ministry, and promotion of piety, there be land taken up or purchased for a colledge and free school: And that there be with as much speed as may be convenient houseing erected thereon, for entertainment of students and scholars."

This Act is an exact repetition of an act passed a year earlier in March, 1660/61.<sup>49</sup> Furthermore, at that earlier session, still another step had been taken as shown in the following Act:<sup>50</sup>

"WHEREAS for the advancement of learning, promoteing of piety & provision of an able & successive ministry in this country, it hath been thought fitt that a colledge of students of the liberall arts and sciences be erected and maintayned In pursuance whereof the right honourable his majesties governour, council of state, and burgesses of the present grand assembly have severally subscribed severall considerable sumes of money and quantities of tobacco (out of their charity and devotion) to be paid to the honourable Grand Assembly or such treasurer or treasurers as they shall now or their successors hereafter at any time appoint upon demand after a place is provided and built upon for that intent and purpose, *It is ordered* that the commissioners of the severall county courts do att the next followinge court in their severall county's subscribe such sumes of money

& tobacco towards the furthering and promoteing the said persons (sic) and necessary worke to be paid by them or their heires, as they shall think fitt, and that they alsoe take the subscriptions of such other persons at their said courts who shall be willing to contribute towards the same And that after such subscriptions taken they send orders to the vestryes of the severall parishes in their severall countys for the subscriptions of such inhabitants and others who have not already subscribed and that the same be returned to Francis Morrison, Esquire."

Carrying the matter one step further, the Assembly had passed the following Act, in order to solicit interest and financial help in England for the college they needed:

ACT XXXV. *A petition in behalf of the Church.*<sup>51</sup>

"*Bee it enacted* that there bee a petition drawn up by this grand assembly to the king's most excellent majestie for his letters pattents to collect and gather the charity of well disposed people in England for the erecting of colledges and schooles in this countrye and alsoe for his majesties letters to both universities of Oxford and Cambridge to furnish the church here with ministers for the present and this petition to be recommended to the right honorable governor Sir William Berkeley."

Nothing further of this most laudable effort is seen in the records. It died in the increasing poverty arising from the depressed condition of the tobacco market and the mounting distress and irritation because of the heartless disregard by the king of conditions in Virginia, and his arbitrary dealings with the colony.

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The laws governing the Church as set forth in the Code of 1661/62 continued in force throughout the reign of Charles II without material alteration. There were, however, several additional acts adopted during this period which had definite bearing upon the Church and are given here.

ACT XII. *Negro womens children to serve according to the condition of the mother.* Adopted at session of December, 1662.<sup>52</sup>

"WHEREAS some doubts have arisen whether children got by any Englishman upon a negro woman should be slave or free, *Be it therefore enacted and declared by this present grand assembly*, that all children borne in this country shall be held bond or free only according to the condition of the mother, *And* that if any christian shall commit fornication with a negro man or woman, he or shee so offending shall pay double the ffines imposed by the former act."

*Comment:* The penalty for fornication was a fine of five hundred pounds of tobacco to be paid by each party to the offence, and, in cases where this act was committed with a servant, the master of the servant was to pay the five hundred pounds of tobacco, or the servant was to be whipped. If a bastard child was borne, the reputed father was further to be bound to support the child and so keep the parish free from its charge.<sup>53</sup>

ACT III. *An act declaring that baptisme of slaves doth not exempt them from bondage.* Adopted September session 1667.<sup>54</sup>

"WHEREAS some doubts have arisen whether children that are slaves by birth, and by the charity and piety of their owners made partakers of the blessed sacrament of baptisme, should by vertue of their baptisme be made free; *It is enacted and declared by this grand assembly and the authority thereof*, that the conferring of baptisme doth not alter the condition of the person as to his bondage or freedome; that diverse masters, freed from this doubt, may more carefully endeavour the propagation of christianity by permitting children, though slaves, or those of greater growth if capable to be admitted to that sacrament."

*Comment:* While no record has been discovered in Virginia bearing on the subject, the question had arisen in more than one colony whether the fact of baptizing a slave did not serve automatically to set him free. Morgan Godwyn, in his *Indian and Negro Advocate*, published in 1680, describes at considerable length the difficulties he met while serving as a missionary in the Barbadoes Islands, when endeavoring to persuade English masters to permit the baptism of their slaves. He found many who refused to do so because of their fear that a baptized Christian could not be held in slavery.<sup>55</sup> The question must, undoubtedly, have arisen in Virginia also, and the Grand Assembly gave a decisive and satisfactory answer.

It was quite necessary that this matter should be definitely settled by legal enactment, that baptism did not change the status of a slave as regarded his freedom or continuance in the state of bondage before any effort could be made to Christianize the Negro. As chattel property, the slave was too valuable in terms of the financial investment involved to permit the average slave-owner to look with equanimity upon the possibility of losing the money invested by permitting the baptism of his slave. And, on the other hand, if baptism had served to manumit the slave, every slave would at the earliest possible moment have professed to be a Christian and demanded baptism and his freedom.

In general practice, very little was done to convert the newly imported Negroes to the Christian faith. The language of the Negro and his in-



ability to understand English was held to be an insuperable barrier. The situation was different in the case of children born in slavery, because they naturally learned more or less of the language of their masters. The question of presenting Negro children for baptism and bringing them up under proper instruction in the Christian religion was left to the masters and mistresses themselves and to the missionary zeal or lack of zeal of the individual minister of each parish. Unquestionably, there must have been very many cases in which devout masters and mistresses did have the slave children baptized and made honest and successful efforts to teach them the moral standards of the faith; but it was all left to unorganized individual effort. There was no attempt at organized effort in Virginia until later, and much nearer the end of the colonial period, when, under the influence of an organization called "Dr. Bray's Associates," one or more schools for the instruction of Negro children were conducted in Virginia.<sup>56</sup>

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ACT I. *An Act for establishing a ffast.* Adopted at the session of September 1668.<sup>57</sup>

"WHEREAS the many sins of this country may justly provoke the anger of Almighty God against us, and draw down his judgments upon us, unless diverted by a timely and hearty repentence, the governour, councill and burgesses of this grand assembly takeing the same into their serious consideration, *have enacted and doe by these presents enact* that the 27th day of August next be sett apart for a day of humiliation, hereby strictly requiring all persons on that day to repaire to their respective parish churches, with fasting and prayers to implore Gods mercy and deprecate the evils justly impending over us; *And be it further enacted* that if any person or persons in contempt hereof shall be found on that day working, gameing, or drinking (workes of necessity only excepted) he or they soe offending, upon presentment of the churchwarden, and proof thereof made to the vestry shal be fined by them one hundred pounds of tobacco, halfe to the informer, halfe to the poore of the parish *And it is further enacted* that all ministers in the parish where they reside be required to prepare themselves for the solemnizing that day."

*Comment:* There is nothing in this Act which shows the reason why in September, 1668, the General Assembly was ordering a fast to be observed on August 27, 1669. The Assembly was not setting apart a fast to be observed annually, but a day to be observed once only. The presumption would seem to be that something had occurred on August 27, 1668, of such grave import to the welfare of Virginia that the Assembly ordered the observance of its first anniversary as a day of fasting.<sup>58</sup> Its

importance in the eyes of the Assembly is shown by the fact of a fine double the usual amount of the fine directed to be assessed for failure to attend divine service on an ordinary Sabbath or holy day; and, in this case, as in the case of other more serious offences, one-half of the fine assessed should go to the informant. But the startling feature of this Act, which does not seem to appear in any other, is that this particular offence was to be tried before the parish vestry upon presentment of the churchwardens. In all other cases, presentments of the churchwardens were to be made to the county courts. Just why the parish vestry was given authority to sit as a court in this particular case is not clear.

Upon one other occasion in the reign of Charles II, the Assembly ordered the observance of holy days specially set apart. These were immediately after the collapse of Bacon's Rebellion and the restoration of the authority of Governor Berkeley.

XVIII. *An act for setting apart a day of humiliation and a day of thanksgiving.* Adopted at the session of February, 1676/77.<sup>59</sup>

"WHEREAS the many hainous and crying sins of the inhabitants of this colony may justly provoke the anger of Almighty God against us, and drawe downe his judgments upon us unless diverted by a timely and hearty repentance; the governour, councell and burgesses takeing the same into their most serious considerations, *have enacted, and doe by these presents enact*, that the ffourth day of *May* next be solemnized and sett apart for fasting and prayer to Almighty God for the pardon and remission of our manifold sinns, which already hath and yett may, if not sincerely repented of and forsaken, provoake his divine majestie to inflict his heavy judgments on us, *And be it further enacted* that the twenty second day of August be sett apart for a publique day of thanksgiving to Almighty God for his greate mercies towards us in delivering us from our late horrid distraction and rebellions, and subdueing the same. *And be it further enacted*, that all ministers be, and are hereby enjoyned to read divine service and to preach on those severall and respective dayes in their severall parish churches, etc."

*Comment:* In these two cases, as in the preceding one, the Assembly was ordaining special days, one of fasting and one of thanksgiving, upon two particular first anniversaries of the beginning and the end of the "distractions."

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There was one other enactment adopted at the session of February, 1676/77, which, as it affected all the clergy in the colony, must be considered one of the "canon Laws," even though it seems to have been a rider appended to another bill and not a separate bill with its own title.

Act V of this session of February, 1676/77, bears the title "*An act for the reliefe of such loyall persons as have suffered losse by the late rebels*"<sup>60</sup> After enacting a number of provisions for the relief of persons who had suffered loss of property taken by Bacon's soldiers, the law proceeds to gather together a number of diverse and varied enactments, including among others such as—

"Any justice of the peace getting drunk on court day to be fined and removed from office.

"Fines on ministers for getting drunk, swearing or committing fornication.

"Penalty for speaking or writing tending to rebellion.

"Penalty for speaking or writing disrespectfully of those in authority." and a number of others.

The paragraph concerning misconduct of ministers is as follows:<sup>61</sup>

*"And be it further enacted by this grand assembly, and by the authority thereof, that such ministers as shall become notoriously scandalous by drunkennesse, swearing, ffornication or other haynous and crying sins, and shall be thereof lawfully convicted, shall for every such their haynous crime and wickedness, the ffirst time forfeite to the parish or parishes wherein he or they soe offending shall be beneficed, the one halfe of one yeares sallary and dues, and the same for a second tyme he shal be convicted, and if any minister offitiating in any parish shalbe three tymes convicted of any haynous crime and wickedness before mentioned, that he be forever hereafter made incapable of offitiating in any office or ministeriall ffunction in any parish in this colony."*

*Comment:* It would not be proper to presume that a great increase of immorality among the clergy had caused the enactment of the above law. It would seem to be more in accordance with the facts to perceive that the Code of 1661/62, which had abolished all laws that did not appear in the new code, made no provision for the punishment of an unworthy clergyman beyond the general laws affecting all persons, lay or cleric, who should be convicted of offence against the moral law. Under the laws of England, the bishop of the diocese was the only one who could remove a clergyman from his parish for misconduct; and in 1661/62 representations were being made to the king and the archbishops which it was hoped would result in making Virginia a diocese and sending a bishop to administer it. But this hope died very definitely in 1672, and there seemed to be no prospect of its revival. For that reason, the General Assembly wrote into the statute law of the colony a method by which an unworthy minister upon a third conviction might be silenced and pre-

vented from officiating further as a minister anywhere in the colony. But, be it noted, that not even in such a case did this law make it possible for any court in Virginia to take away from a minister who had been instituted as rector of the parish his right to the salary and possession of the glebe of the parish, no matter how totally and scandalously unworthy his conduct might show him to be.

There is a notation in Hening, just below the title of this Act, that it was repealed by proclamation on July 6, 1680. This would seem to have been desirable because provisions of both temporary and of permanent importance were jumbled together under a title which did not describe all the provisions of the law. As far as the question of punishment of unworthy clergymen is concerned, efforts were made which resulted within a few years in the sending of a commissary of the bishop of London in an attempt to meet the needs of the Church in Virginia for leadership and greater efficiency of administration and discipline.

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The first law against the Quakers was enacted at the session of the General Assembly held in March, 1659/60 after the election of Sir William Berkeley as governor, and in the realization that the Commonwealth period had come to its end Charles II was on his way back to the throne. All the laws enacted against this sect during that reign are given here.

ACT VI. *An act for the suppression of the Quakers.*<sup>62</sup> Adopted at the session of March, 1659/60.

"WHEREAS there is an unreasonable and turbulent sort of people commonly called Quakers, who contrary to the law do dayly gather together unto them unlaw'll Assemblies and congregations of people teaching and publishing, lies, miracles, false visions, prophecies and doctrines, which have influence upon the communities of men both ecclesiasticall and civil endeavouring and attempting thereby to destroy religion, lawes, communities and all bonds of civil societie leaveing it arbitrarie to everie vaine and vitious person whether men shall be safe, lawes established, offenders punished, and Governours rule, hereby disturbing the publike peace and just interest, to prevent and restraine which mischiefs, *It is enacted*, That noe master or commander of any shipp or other vessell do bring into this collonie any person or persons called Quakers, under the penalty of one hundred pounds sterling to be leavied upon him and his estate by order from the Governour and Council or the commissioners in the severall counties where such shippes shall arrive. That all such Quakers as have beene questioned or shall hereafter arrive shall be apprehended where-soever they shall be found and they be imprisoned without baile or main-prize till they do adjure this country or putt in security with all speed to



depart the collonie and not to returne againe: And if any should dare to presume to returne hither after such departure to be proceeded against as contemnors of the lawes and magistracy and punished accordingly, and caused again to depart the country, and if they should the third time be so audacious and impudent as to returne hither to be proceeded against as ffelons. That noe person shall entertain any of the Quakers that have heretofore been questioned by the Governor and Council, or which shall hereafter be questioned, nor permit in or near his house any Assemblies of Quakers in the like penalty of one hundred pound sterling, That commissioners and officers are hereby required and authorized as they will answer the contrary at their perill to take notice of this act to see it fully effected and executed, And that no person do presume on their peril to dispose or publish their bookes, pamphlets or libells bearing the title of their tenents and opinions.”

ACT III. *Against persons that refuse to have their Children Baptised.*  
Adopted at the Session of December, 1662.<sup>63</sup>

“WHEREAS many scismaticall persons out of their averseness to the orthodox established religion, or out of the new fangled conceite of their owne hereticall inventions, refuse to have their children baptised, *Be it therefore enacted by the authority aforesaid*, that all persons that, in contempt of the divine sacrament of baptisme, shall refuse when they may carry their child to a lawfull minister in that county to have them baptised shalbe amerced two thousand pounds of tobacco; halfe to the informer, halfe to the publike.”

ACT I. *An act prohibiting the unlawful assembling of Quakers.* Adopted at Session of September, 1663.<sup>64</sup>

“WHEREAS it is evident of late time that certaine persons under the names of Quakers and other names of separation have taken up and maintained sundry dangerous opinions and tenets, and whereas the said persons under pretense of religious worship doe often assemble themselves in greate numbers in several parts of this colony to the greate endangering of its publike peace and safety and to the terror of the people by maintayning a secrett and strict correspondency among themselves, and in the meane time separating and dividing themselves from the rest of his majesties good and loyall subjects, and from the publike congregations and usuall places of divine service, for redressing whereof and for better preventing the many mischiefs and dangers that may and doe arise by such dangerous tenets and such unlawful assemblyes. *Be it enacted by this present grand assembly and the authority thereof* that if any person or persons commonly called Quakers, or any other separatists whatsoever in

this colony shall at any time after the publishing of this act in the severall respective counties departe from the place of their severall habitations and assemble themselves to the number of five or more of the age of sixteene yeares or upwards at any one tyme in any place under pretence of joyning in a religious worship not authorized by the laws of England nor of this country that then in all and every such cases the party soe offending being thereof lawfully convicted by the verdict of twelve men, or by his owne confession, or by notorious evidence of the fact, shall for the ffirst offence forfeit and pay two hundred pounds of tobacco, and if any such person or persons being once convicted shall againe offend therein, and shall in forme aforesaid be thereof lawfully convicted shall for the second offence forfeite and pay five hundred pounds of tobacco to be levied by distresse and sale of the goods of the party soe convicted, by warrant from any one of the justices before whome they shalbe soe convicted rendering the overplus to the owners (if any be) and for want of such distress or for want of ability of any person among them to pay the said fine or fines then it shalbe lawfull to levy and recover the same from the rest of the Quakers or other separatists or any one of them then present, that are of greater ability to pay the said fine or fines; and if any person after he or she in forme aforesaid hath bin twice convicted of any of said offences shall offend the third time and be thereof lawfully convicted, that then every person soe offending and convicted as aforesaid shall for his or her third offence be banished this colony of Virginia to the places the governor and counsell shall appoint.

*"And be it further enacted by the power and authority aforesaid, that each master or ship or vessell that shall import and bring in any Quaker into this colony to reside after the first day of July next, unles by virtue of an act of parliament made in England the nineteenth day of May in the fourteenth yeare of the raigne of our soveraigne Lord the King, shalbe fined five thousand pounds of tobacco to be levied by distresse and sale of the masters goods by warrant from any justice of the peace in the county where such person or persons shall arrive, the same being proved by sufficient evidence, and further shalbe enjoined to carry him or them out of the country againe when his ship retournes and to take especiall care to secure him, her or them soe brought in as aforesaid from spreading any seditious tenets whilst he she or they remaine in the country.*

*"And be it further enacted that any person or persons inhabitants of this country that shall entertaine any Quakers in or neare their houses, that is, to teach or preach shall likewise be fined five thousand pounds of tobacco for each time they do entertayne them, to be levied by distresse and sale of the persons goods by order of the justices of peace in the next county court held for that county where the fact was committed before whome the same shalbe by evidence proved.*

*“And be it further enacted* that for prevention of neglects in the due execution of this act by any majestrate or majestrates officer or officers of this colony that in case any justice of the peace or any other officer shall neglect the performance of their duty in prosecuting this act or shall directly or indirectly connive at any breeches thereof he or they for every such offence shalbe fined two thousand pounds of tobacco to be levyed by distresse and sale of the goods of the party soe offending, he being hereof lawfully convicted by the verdict of twelve men or by his own confession or evidence of the fact.

*“And be it further enacted by the authority aforesaid* that all justices of the peace in their severall counties shalbe impowered to enquire heare and determine all and every the offences aforesaid within the lymitts of their commission and to give warrant for levyng and distressing the fines upon the goods of the persons offending, all which said ffines mentioned in this act shalbe disposed of to the uses and purposes following, vizt. the two hundred and five hundred pounds of tobacco imposed on the Quakers and other separatists for unlawfull assembling shalbe paide halfe to the informer, halfe to the use of the parish where the fact was committed; that the five thousand pounds of tobacco imposed on each master that shall bring in any Quaker shalbe paid half to the informer, halfe to the use of the parishes in the county where the person or persons arrive; that the five thousand pounds of tobacco imposed upon every inhabitant that shall entertaine as aforesaid in or neare his house any Quaker shalbe paid halfe to the informer and halfe to the parishes in the county where he lives for pious uses; provided always that the charges of their apprehending be first defrayed, that the two thousand pounds of tobacco, imposed upon any majestrate or other officer that shall neglect the due prosecution of this act shalbe paid halfe to the informer and halfe to the parishes in the county where he lives; *provided alwayes, and be it further enacted*, that if any of the said persons Quakers or other separatists shall after such conviction as aforesaid give security that he, she or they shall for the time to come forbear to meete in any such unlawful assemblies as aforesaid, that then and from thenceforth such person or persons shalbe discharged from all the penalties aforesaid any thing in this act to the contrary notwithstanding.”

ORDER OF SEPTEMBER 12, 1663.<sup>65</sup>

“WHEREAS Mr. John Hill high sheriff of Lower Norfolk hath represented to the house that Mr. John Porter, one of the burgesses of that county was loving to the Quakers and stodd well affected towards them, and had been at their meetings, and was so far an anabaptist as to be against the baptising of children, upon which representation the said Por-

ter confessed himself to have and be well affected to the Quakers, but conceived his being at their meetings could not be proved, upon which the oaths of allegiance and supremacy were tendred to him which he refused to take; whereupon it is ordered that the said Porter be dismissed this house."

ACT XIII. *An act prohibiting unlawfull disturbances of divine service.*  
Adopted at session of June, 1680.<sup>66</sup>

"Bee it enacted by the kings most excellent majestie by and with the consent of the generall assembly, and it is hereby enacted by the authority aforesaid, that whosoever from and after the publication of this act shall appeare in any church or chapel within this his majesties colony whilst the minister is exercising his ministerial ffunction, and shall disturb him by words, or any other manner or meanes whatsoever, or shall there appeare in any unseemly or undecent gesture, any justice sheriffe or other officer then present, shall put such person or persons under restraint during divine service, who shall alsoe for the first offence be fyned two hundred pounds of tobacco and caske, and for every such offence as shalbe by them or any of them committed after in the like quality, shalbe five hundred pounds of like tobacco and caske for every such offence, which fines shalbe levyed by the sherriffe upon the estate of the person or persons soe offending, by virtue of a warrant from a justice of the peace, for the use of the parish, and such justice of the peace that shall refuse or neglect to put this law into severe execution shalbe fined five hundred pounds of tobacco and caske to the use of the parish for every such neglect."

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#### NOTES • APPENDIX VI

1. Hening's *Statutes at Large*, II, 41-2.
2. *Ibid.*, II, 43.
3. *Ibid.*, II, 44.
4. *Ibid.*, I, 289-90. Note the cumbersome provision for holding monthly fast-days in cases where the minister held the charge of two or more parishes.
5. *Virginia's Cure*, page 4.
6. See, for instance, the action of the vestry of Potomac Parish, which in 1664-7 covered the whole newly formed county of Stafford: "Ordered, That the minister preach at three several places in this parish; at Col. Fitzhugh's, at the courthouse, and at a house on the northwest side of Aquia Creek." (*Stafford County Court Order Book*, under date of April 3, 1667) Within a few years church buildings had been erected in all three of these locations.
7. Hening's *Statutes*, II, 44-5.



8. *Ibid.*, II, 356.
9. See McIlwaine, *Journals of the House of Burgesses*, 1659-93, pp. 99 and 102, for petitions from Northampton and Isle of Wight Counties.
10. The record of many such appeals appears in the *Journal of the House of Burgesses* or of the *Executive Journals of the Council*. Some of these appeals were as follows:
 

Parishioners asking that the vestry of Blissland Parish be dissolved and new election ordered.

Vestry of St. John's Parish closed the doors of the Church against the minister, Rev. John Munro.

Appeal of the vestry against the minister because he, the Rev. Theodosius Staige, refused to baptise illegitimate children, and declined to use the new version of metrical psalms in the church services.

Appeal of parishioners against the vestry of Christ Parish, Middlesex County, for ordering the erection of three new churches in the parish at the same time.

Appeal of parishioners of same parish against the vestry for having promised the minister 4,000 pounds of tobacco more than the 16,000 pounds fixed by the statute as the annual salary.

Appeal against Mr. John Wright a minister of non-Anglican ordination because he forced himself into the pulpit and insisted on preaching.
11. It is quite possible that the reason the vestries of some new frontier parishes were slow in building churches was that the newly settled voters, not knowing each other except by very recent acquaintance, had based their choice of vestrymen upon the first impressions rather than upon any knowledge of the real character or interest in Church affairs of the persons then selected.
12. Hening, II, 101-02.
13. *Ibid.*, II, 102-03.
14. *Ibid.*, II, 45.
15. *Ibid.*, II, 46.
16. *Ibid.*, I, 241-42 and 277. It should be noted that, while the act in the code of 1661/2 refers to Act 77 of March, 1642, the numbering as given in Hening is Act LXIV, and not LXXVII.
17. While there is no definite record known at present later than the records of the Virginia Company which shows a minister of Presbyterian or Genevan ordination holding a parish in Virginia in the period prior to the Commonwealth it still remains true that ministers of non-Anglican ordination were permitted to hold parishes in the Church of England provided that they had received license from the archbishop of Canterbury. In Virginia's dire need of ministers, it would seem to be beyond doubt that such ministers, if properly accredited, would be permitted to officiate in the colony.
18. See G. G. Perry, *History of the Church of England*, Chapters XXXII and XXXIII, especially pages 502-06.
19. Ministers of non-Anglican ordination known to have held parishes in Virginia during and after this period were Daniel Richardson, minister of Hungar's Parish, Northampton County, prior to 1676.
 

James Porter in Lynnhaven Parish, Princess Anne County, 1678-83.

Josias Mackie, in Lynnhaven Parish, 1684 (c) to 1690.

Andrew Jackson, minister of Christ Church Parish, Lancaster County, for nearly thirty years, until 1710. See Goodwin, *Colonial Church in Virginia*, in the biographical list of clergy, for all these names except Josias Mackie.

Because of the fragmentary character of the existent records of so many parishes, there may have been, and probably were, others besides the four mentioned here.

20. Hening, 46-7.
21. *Ibid.*, I, 241. "That every minister have his clerk and also sexton for the keeping cleane of the church & other services in the absence of the ministers, etc."
22. *Ibid.*, II, 29. It is interesting to note that this Act of March, 1661, for the appointment of readers in vacant parishes quoted the precedent "as hath used in the time of Queen Elizabeth when there was a scarcity of orthodoxe reformed ministers to supply the congregations."
23. See the *Vestry Book of Christ Church Parish, Middlesex County*, edited by Churchill G. Chamberlayne, page 13, under date of 16th November, 1668. The reader of the Upper Chappell in the parish was ordered to turn over to the newly received minister of the parish the fees for certain marriages performed by the reader, since the minister took charge.
24. Hening, II, 47.
25. *Ibid.*, II, 47.
26. *Ibid.*, II, 47.
27. *Ibid.*, I, 433. See, also, comment on this law in Chapter XIV, *supra*.
28. *Ibid.*, II, 48.
29. *Ibid.*, II, 49.
30. *Ibid.*, II, 49.
31. *Ibid.*, II, 86.
32. This Poplar Spring would seem to be Poplar Spring Church in Petsworth Parish. In this churchyard, after the death of Nathaniel Bacon in the Rebellion of 1676, a coffin purporting to contain his body but actually filled with stone or shells was buried, while his body was secretly interred elsewhere. This was done to prevent the disinterring of the body by the governor to have it hung in chains.
33. Campbell's *History of Virginia*, p. 263.
34. Hening, II, 191, 204.
35. *Ibid.*, II, 49.
36. *Virginia's Cure*, page 4.
37. Chamberlayne, *Vestry Book of Christ Church Parish, Middlesex County*, p. 13.
38. Hening, II, 51.
39. Hening's note upon the words "a former breach of this act" is "The Assembly considered all the laws relating to the church as one act."
40. *Ibid.*, II, 30, Act XXXIII.
41. *Ibid.*, I, 433.
42. About the only remainder at present in the usages of the Church of the distinction between preaching as a scholastic function and conducting the services as a liturgical one remains in the office of ordering of deacons in the prayer book. Immediately after the laying on of the bishop's hands in ordination of a deacon, the bishop delivers to him a copy of the New Testament, with

the words: "Take thou authority to read the Gospel in the Church of God, and to preach the same, if thou be thereto licensed by the Bishop himself."

43. Chamberlayne, *Vestry Book of Christ Church Parish, Middlesex*, pp. 171, 342.
44. See the report to the bishop of London made by the Rev. John Bell, minister of Christ Church Parish, Lancaster County, in 1724, in which he states that all the ornaments of the Church are provided by the vestry except the surplice. See his report *infra* in Appendix VIII. The minister of Abingdon Parish stated in his report that the surplice was not used in that parish. See *supra*, Chapter XXII, p. 385.
45. Hening, II, 54.
46. *Ibid.*, II, 54-5.
47. *Ibid.*, II, 125.
48. *Ibid.*, II, 56.
49. *Ibid.*, II, 25.
50. *Ibid.*, II, 37.
51. *Ibid.*, II, 30.
52. *Ibid.*, II, 170.
53. *Ibid.*, II, 114.
54. *Ibid.*, II, 260.
55. Morgan Godwyn, *The Negro's and Indian's Advocate*. See, also, Frank J. Klingberg, *Anglican Humanitarianism in Colonial New York*, for a study of the subject in that colony.
56. Dr. Bray's Associates. See article "Christianizing and Educating the Negro in Colonial Virginia," by Mary F. Goodwin in *Historical Magazine of the Protestant Episcopal Church*, Vol. I, pp. 143-52.
57. Hening, II, 264-5.
58. If one were permitted to guess, two possible reasons might be suggested for this proposed fast-day.
  - (1)—A commemoration of the sinking of the Virginian merchant ships by the Dutch, in their invasion of James River in 1667; or
  - (2)—A veiled protest against the arbitrary actions of Charles II in his overriding the will of Parliament in an effort to secure toleration for Roman Catholics. There was wide-spread protest in England against this policy of the king. (See Green's *Short History of the English People*, pp. 634-37)
59. *Ibid.*, II, 399-400.
60. *Ibid.*, II, 381-86.
61. *Ibid.*, II, 383.
62. *Ibid.*, I, 532-3.
63. *Ibid.*, II, 165-6.
64. *Ibid.*, II, 180-83.
65. *Ibid.*, II, 198.
66. *Ibid.*, II, 483.

*Appendix VII*  
STORIES AT FIRST HAND



EXTRACTS FROM ORIGINAL  
SOURCES

[A]

LEAH AND RACHEL, *by John Hammond*

[B]

VIRGINIA'S CURE, *by R. G.*

[C]

A QUESTIONARY *and* GOVERNOR BERKELEY'S REPLIES

[D]

MORGAN GODWYN'S LETTER

*Concerning the State of Religion in Virginia*



## Appendix VII

### STORIES AT FIRST HAND

We are fortunate in having still in existence four separate accounts of conditions in Virginia during the period from 1650 to 1680. These first-hand documents throw a great deal of light upon conditions existing in the colony during that period, and the problems, both civil and ecclesiastical, arising therefrom, which had to be met and solved in some way or other. They are reprinted here either in copious extracts or in full for two reasons: *First*, because a reading of the original is more apt to convey the impression and to present the picture which the author intended to depict than any brief extract quoted in another writer's story can possibly do. And, *second*, because certain brief extracts from these originals have unhappily been given widespread publicity in later histories and impressions conveyed which the authors never intended. A reading of what the author really said, as appearing in its original context, will serve as the best corrective of such error.

The first of these stories in point of age is "Leah and Rachel," written by John Hammond and published in 1656. This is an account of the two sister colonies, Virginia and Maryland, and it is, as the author frankly states, intended to correct misunderstanding, widespread in England, of conditions existing in these colonies and to present the true facts in the case. His great purpose is to interest people in the colonies and to induce more persons to emigrate to them. Obviously, his pamphlet was an advertisement to tell of the attractiveness of life in America, and the author, in his description of conditions as he said they existed in the early days of the colony, as compared with conditions existing when he wrote, yields a bit to the common temptation to darken the background of the past in order that the brighter conditions of the present may shine out more strongly.

The second story, "Virginia's Cure," is the account written and published by R. G., or the Reverend Roger Green, in 1662, telling of the conditions under which the Church in Virginia was forced to live. He was co-operating with the Rev. Phillip Mallory, who had been sent over to England in 1661 by the General Assembly of Virginia as a special representative to present the needs of the Church to the authorities of the Church of England and to the king and privy council. Mallory died shortly after reaching England, and Roger Green was evidently trying to carry on Mallory's efforts. It is a strongly colored presentment showing vividly the difficulties under which the Church labored, arising from the

wide spread of a scattered population. His argument that the establishment of towns in every parish and forcing all the people to live in them was the panacea for all the evils which the Church and colony faced would seem to be of less importance today than his showing of conditions and presentment of the Church's needs of more clergymen and the presence of a bishop.

The third story is the full reply of Governor Sir William Berkeley to the questionnaire sent him in 1670 from the lords commissioners of foreign plantations. It tells a great deal about the affairs of Virginia and is written in the governor's own brusque way.

The fourth is the Rev. Morgan Godwyn's "Brief Account of Religion in Virginia." Written in 1667 as a letter to Governor Berkeley, and published in 1680 as an appendix to the author's pamphlet, "The Negro's and Indian's Advocate," it is a vigorous presentation of the seamy side of Church life in Virginia as seen by a young man just out of college, who came, spent a few years in the service of the Church in Virginia and then went back home to England. Unquestionably, there must have been in Virginia, in the disturbed conditions of the time, and the inability to secure sufficient clergymen, cases of arbitrary and unfair conduct such as Godwyn describes, but it would not be wise or fair to accept his letter as a full and complete account of the Church in the colony. Indeed, it was stated by Col. Edward Moryson, Lieutenant-governor of Virginia, to be a "virulent libel."

#### A. EXTRACTS FROM "LEAH AND RACHEL"

Leah and Rachel, or The Two Fruitful Sisters, Virginia and Maryland. Their present Condition Impartially stated and related. WITH A Removall of such Imputations as are scandalously cast on those Countries, whereby many deceived souls chose rather to Beg, Steal, rot in Prison, and come to shameful deaths, then to better their being by going thither, wherein is plenty of all things necessary for Humane substance. By JOHN HAMMOND. London. Printed by T. Mabb, and are to be sold by Nich. Bourn, neer the Royal Exchange, 1656.

. . . I have undertaken this Book to give the true state of those places, according to the condition that they are now in; . . . I shall only at present Treat of the elder Sister Virginia . . .

The Country is reported to be an unhealthy place, a nest of rogues, whores, desolute and rooking persons; a place of intolerable labour, bad usage and hard Diet, &c. To answer these several calumnies, I shall first shew what it was? next, what it is?

At the first settling and many years after, it deserved most of those aspersions (nor were they then aspersions but truths) it was not settles

at the publique charge; but when found out, challenged, and maintained by Adventurers, whose avarice and inhumanity, brought in all these inconveniences, which to this day brands Virginia.

Then were Jayls emptied, youth seduced, infamous women drilled in, the provisions all brought out of England, and that embezzled by the Trustees (for they durst neither hunt fowl nor Fish, for fear of the Indian, which they stood in aw of, their labour was almost perpetuall, their allowance of victual small, few or no cattle, no use of horses nor oxen to draw or carry, (which labours men sypplyed themselves) all which caused a mortality; no civil courts of justice but under a Marshall law, no redresse of grievances, complaints were repaied with stripes, moneys with scoffes, tortures made delights, and in a word all and the worst that tyranny could inflict or act, which when complained of in England: (but so were they kept under that it was long ere they would suffer complaints to come home) the bondage was taken off, the people set free, and had lands assigned to each of them to life of themselves, and enjoy the benefits of their own industry;<sup>1</sup> men then began to call what they laboured for their own, they fell to making themselves convenient housing to dwell in, to plant corne for their food, to range the wood for flesh, the rivers for fowle and fish, to finde out somewhat staple for supplie of cloathing, to continue a commerce, to purchase and breed cattle, &c. but the bud of this growing happinesse was again nipt by a cruell Massacre committed by the Natives,<sup>2</sup> which again pulled them back and kept them under, enforcing them to get into forts (such as the infancy of those time afforded): they were taken off from planting; their provisions destroyed, their Cattle, Hogs, Horses &c. kill'd up, and brought to such want and penury, that diseases grew rife, mortality exceeded; but receiving a supply of men, amunition and victuals out of England, they again gathered heart, pursued their enemies, and so often worsted them, that the Indians were glad to sue for peace, and they (desirous of a cessation) consented to it.

They again began to bud forth, to spread further, to gather wealth, which they rather profusely spent (as gotten with ease) then providently husbanded, or aimed at any publique good; or to make a Country for posterity; but from hand to mouth, and for a present being; neglecting discoveries, planting of Orchards, providing for the Winter preservation of their stocks, or thinking of anything staple or firm; and whilst Tobacco, the onely Commodity they had to subsist on bore a price, they they wholly and eagerly followed that, neglecting their very planting of Corn, and much relied on England for the chiefest part of their provisions; so that being not alwayes amply supplied, they were often in such want, that their case and condition being related in England, it hindered and kept off many from going thither, who rather cast their eyes on the Bar-



ren and freezing soyle of New-England, than to joyn with such an indigent and sottish people, as were reported to be in Virginia.

Yet was not Virginia all this while without divers honest and vertuous inhabitants, who observing the general neglect and licentiousnesses there, caused Assemblies to be call'd and Laws to be made tending to the glory of God, the severe suppression of vices, and the compelling them not to neglect (upon strikt punishments) planting and tending such quantities of Corn as would not only serve themselves, their Cattle and Hogs plentifully, but to be enabled to supply New-England (then in want) with such proportions, as were extream reliefs, to them in their necessities.

From this industry of theirs and great plenty of Corn, (the main staffe of life) proceeded that great plenty of Cattell and Hogs (now innumerable) and out of which not only New-England hath been stocked and relieved, but all other parts of the Indies inhabited by Englishmen.

The inhabitants now finding the benefit of their industries began to look with delight on their increasing stocks; (as nothing more pleasurable then profit) to take pride in their plentifully furnished Tables, to grow not only civil, but great observers of the Sabbath, to stand upon their reputations, and to be ashamed of that notorious manner of life they had formerly lived and wallowed in.

Then they began to provide and send home for Gospel Ministers, and largely contributed for their maintenance; But Virginia savouring not handsomely in England, very few of good conversation would adventure thither (as thinking it a place wherein surely the fear of God was not) yet many came, such as wore Black Coats, could babble in a Pulpit, roare in a Tavern, exact from their Parishioners, and rather by their dissoluteness destroy then feed their Flocks.<sup>3</sup>

Loath was the Country to be wholly without Teachers, and therefore rather retain these then to be destitute; yet still endeavours for better in their places, which were obtained, and these Wolves in sheeps cloathing, by their Assemblies questioned, silenced, and some forced to depart the Country.

Then began the Gospel to flourish, civil, honourable, and men of great estates flocked in: famous buildings went forward, Orchards innumerable were planted and preserved; Tradesmen set on work and encouraged, staple Commodities, as Silk, Flax, Potashes, &c of which I shall speak further hereafter, attempted on, and with good success brought to perfection; so that this Country which had a mean beginning, many back friends, two ruinous and bloody Massacres,<sup>4</sup> hath by Gods grace outgrown all and is become a place of pleasure and plenty.

And having briefly laid down the former state of Virginia in its infancy, and filth, and the occasion of its scandalous aspersions: i come to my main subject, its present Condition and Happiness (if any thing can



be justly called happy in this transatory life (otherwise than as blessings which in the well using whereof, a future happinesse may be expected.)

I affirm the Country to be wholesome, healthy and fruitfull; and a modell on which industry may as much improve it self in, as in any habitable part of the world; yet not such a Lubberland as the fiction of the land of Ease, is reported to be, nor such a Utopian as Sr. Thomas Moore hath related to be found out.

. . . . .

If any are minded to repair thither, if they are not in a capacity to defray their own charges (if they are I wish they might and so be at their own disposing) let them not be seduced by those mercenary spirits that know little of the place, nor aime at any good of theirs, but onely by foysting and flattering them to gain a reward of those they procure them for; beware them, for it is not only hab nab whether ye go to a good service or bad, but scandalous to yourselves to be so seduced, and it were good and very just such vagabond people were severely punished, as great betrayers of their own Nation, for ye cannot imagine but their are as well bad services as good; but I shall shew ye if any happen into the hands of such crooked dispositions, how to order them and ease yourselves, when I come to treat of the justice of the Country, which many being ignorant of suffer inconveniences which by this they may prevent.

Let such as are so minded not rashly throw themselves upon the voyage but observe the nature, and enquire the qualities of the persons with whom they ingage to transport themselves, or if (as not acquainted with such as inhabit there, but go with the Merchants and Mariners, who transport them to others) let their covenant be such, that after their arrival they have a fortnights time assigned them to enquire of their Master, and make choyce of such as they intend to expire their time with, nor let that brand of selling of servants, be an discouragement to deter any from going, for if a time must be served, it is all one with whom it be served, provided they be people of honest repute, with which the Country is well replenished.

And be sure to have your contract in writing and under hand and seal, for if ye go over upon promise made to do this or that, or to be free or your own men, it signifies nothing, for by a law of the Country (waving all promises) any one coming in, and not paying their own passages, must serve if men or women four years, if younger according to their years, but where an indenture is, that is binding and observing.

The usual allowance for servants is (besides their charge of passage defrayed) at their expiration, a years provision of corne, dubble apparrell, tooles necessary, and land according to the customs of the Country, which is an old delusion, for there is no land accustomed due to the servant, but to the Master, and therefore that servant is unwise that will not dash

out that custom in his covenant, and make that due of land absolutely his own, which although at the present, not of so great consequence; yet in few years will be of much worth, as I shall hereafter make manifest. When ye go aboard, expect the Ship somewhat troubled and in a hurly-burly, until ye cleer the lands end; and that the Ship is rummaged, and things put to rights, which many times discourages the Passengers, and makes them wish the Voyage unattempted; but this is but for a short season, and washes off when at Sea, where the time is pleasantly passed away, though not with such choise plenty as the shore affords.

But when ye arrive and are settled, ye will find a strange alteration, an abused Country giving the lye in your own approbations to those that have calumniated it, and these infalable arguments may convince all incredible and obstinate opinions, concerning the goodnesse and delightfulness of the Country, that never any servants of late times have gone thither; but in their Letters to their Friends commend and approve the place, and rather invite than dissuade their acquaintances from comming thither. Another is this, that seldom (if ever) any that hath continued in Virginia any time will do or desire to live in England, but post back-with what expedition they can; although many are landed men in England, and have good estates here, and divers ways of preferments propounded to them, to entice and perswade their continuance. . . .

The labour servants are put to, is not hard nor of such continuance as Husbandmen, nor Handicraftmen are kept at in England, I said little or nothing is done in winter time, none ever work before sun rising nor after sun set, in the summer they rest, sleep or exercise themselves five hours in the heat of the day, Saturdayes afternoon is always their own, the old Holidays are observed, and the Sabboath spent in good exercises.

The women are not (as is reported) put into the ground to worke, but occupie such domestique employments and housewifery as in England, that is dressing victuals, righting up the house, milking, employed about dayries, washing, &c., and both men and women have times of recreations, as much or more than in any part of the world besides, . . .

Those servants that will be industrious may in their time of service gain a competent estate before their Freedomes, which is usually done by many, and they gaine esteeme and assistance that appear so industrious; There is no Master almost but will allow his Servant a parcell of clear ground to plant some Tobacco in for himself, which he may husband at those many idle times he hath allowed him and not prejudice, but rejoyce his Master to see it, which in time of Shipping he may lay out for commodities, and in Summer sell them again with advantage, and to get a Sow-pig or two, which almost anybody will give him, and his Master suffer him to keep them with his own, which will be no charge to his Master, and with one years increase of them may purchase a Cow

Calf or two, and by that time he is for himself; he may have Cattle, Hogs and Tobacco of his own, and come to live gallantly; but this must be gained (as I said) by Industry and affability, not by sloth nor churlish behaviour. . . .

But if any goe thither, not in a condition of a Servant, but pay his or her passage, which is some six pounds; Let them not doubt but it is money well layd out (yet however let them not fail) although they carry little else to take a Bed along with them, and, then few Houses but will give them entertainment, either out of curtesie, or on reasonable tearms; and I think it better for any that goes over free, and but in a mean condition, to hire himself for reasonable wages of Tobacco and Provision, the first year, provided he happen in an honest house, and where the Mistresse is noted for a good Housewife, of which there are very many (notwithstanding the cry to the contrary) for by that means he will live free of disbursement, have something to help him next year, and be carefully looked to in his sickness (if he chance to fall sick) and let him so covenant that exceptions may be made, that he work not much in the hot weather, a course we alwayes take with our new hands (as they call them) the first year they come in.

If they are women that go after this manner, that is paying their own passage; I advise them to sojourn in a house of honest repute, for by their good carriage, they may advance themselves in marriage, by their ill, overthrow their fortunes; and although loose persons seldome live long unmarried if free; yet they match with as desolute as themselves, and never live handsomly or are ever respected.

For any that come over free, and are minded to dyet and quarter in another mans house, it matters not whether they know on what term or conditions are there; for by an excellent Decree, made by Sir William Berkly, when Governour; (as indeed he was the Author of many good Laws:)<sup>5</sup> It was ordered, that if any inhabitant received any stranger Merchant or border (i.e., boarder) into their houses, and did not condition in Writing with him or them so entertained on what terms he received them, it should be supposed an invitation, and no satisfaction should be allowed or recovered in any Court of Justice; thereby giving notice that no stranger coming into the Country should be drilled in, or made a purchase of under colour of friendship: but that the inhabitants at first coming shall let them know how they mean to deal with them, that if they like not the terms they may remove themselves at pleasure; a Law so good and commendable, that it is never like to be revoked or altered.

Now for those that carry over Families and estates with a determination to inhabit, my advice is that they neither sojourn for that will be chargeable; nor on the sudden purchase, for that may prove unfortunate; but that they for the first year hire a house (for seats are alwayes to be



hired) and by that means, they will not onely finde content and live at a cheap rate, but be acquainted in the Country and learn the worth and goodnesse of the Plantation they mean to purchase; and so not rashly to intangle themselves in an ill bargain, or finde where a convenient parcell of Land is for their turns to be taken up.

Yet are the Inhabitants generally affable, courteous and very assistant to strangers (for what but plenty makes hospitality and good neighbourhood) and no sooner are they settled, but they will be visiting, presenting and advising the stranger how to improve what they have, how to better their way of livelihood.

Justice is there duly and daily administered; hardly can any travaile two miles together, but they will find a Justice, which hath power of himself to hear and determine mean differences, to secure and bind over notorious offenders, of which very few are in the Country.

In every County are Courts kept, every two moneths, and oftener if occasion require, in which Courts all things are determined without exceptions; and if any dislike the proceedings of those Courts, they have the liberty to appeal to the Quarter Courts, which is four times a year; and from thence to the Assembly, which is once or oftener every year: So that I am confident, more speedy Justice and with smaller charge is not in any place to be found.

. . . . .

The Country is very full of sober, modest persons, both men and women, and many that truly fear God and follow that perfect rule of our blessed Saviour, to do as they would be done by; and of such a happy inclination in the Country, that many who in England have been lewd and idle, there in emulation or imitation (for example moves more than precept) of the industry of those they finde there, not onely grow ashamed of their former courses, but abhor to hear of them, and in small time wipe off those stains they have formerly been tainted with; yet I cannot but confesse, there are people wicked enough (as what Country is free) for we know some natures will never be reformed . . . for if any be known, either to prophane the Lords day or his Name, be found drunk, commit whoredom, scandalize or disturb his neighbour, or give offence to the world by living suspiciously in any bad courses; there are for each of these, severe and wholesome laws and remedies made, provided and duly put in execution: I can confidently affirm, that since my being in England, which is not yet four moneths, I have been an eye and ear witness of more deceits and villanies (and such as modesty forbids me to utter) then I either ever saw or heard mention made of in Virginia, in my one and twenty years abroad in those parts.

. . . . .



Several ways of advancement there are and imployments both for the learned and laborer, recreation for the gentry, traffique for the adventurer, congregations for the ministrie (and oh that God would stir up the hearts of more to go over, such as would teach good doctrine, and not paddle in faction, or state matters; they could not want for maintenance, they would find an assisting, an imbracing, a conforming people.)

It is knowne (such preferment hath this Country rewarded the industrious with) that some from being wool-hoppers and of as mean and meaner imployment in England have there grown great merchants, and attained to the most eminent advancements the Country afforded. If men cannot gaine (by diligence) states in those parts (I speake not only mine own opinion, but divers others, and something by experience) it will hardly be done (unlesse by meere lucke as gamesters thrive, and other accidentals)<sup>6</sup> in any other part whatsoever.

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NOTES • LEAH AND RACHEL

1. Up to this point the author was describing the conditions that existed in the earliest days in Virginia, from 1607 to 1616, during which occurred the period of martial law established by Sir Thomas Dale. This period of martial law ended before 1616. In preparing this statement, the author had access, undoubtedly, to the highly colored charges made by the disaffected group within the Virginia Company who were opposed to the plans and policies of the executive officers of the Company in the sad period of dissension which preceded the abolition of the Company's charter in 1624. These charges were among the public records available in London. They have been made available to the present-day student in Kingsbury's *Records of the Virginia Company*.
2. March 22, 1621/22.
3. The author seems to place the beginnings of religion in Virginia in the period after the General Assembly was organized and prosperity came. He shows no knowledge at all of the successful efforts made by the Virginia Company to secure and send faithful ministers to Virginia; or does he seem to know anything of the work of such ministers as Hunt, Buck, Whitaker and others, nor of the earnest and prolonged efforts to establish a college and free school.
4. The First Great Massacre of 1622 and the Second Great Massacre of 1644.
5. It must be remembered that this pamphlet was published in 1656, during the period of the Commonwealth, when Sir William Berkeley was living in retirement in Virginia.
6. The pamphlet, *Leah and Rachel* (of which less than one half has been copied here) was republished during the last century as one of Force's *Collection of Historical Tracts*. It is listed as Volume III, Number 14.

## B. EXTRACTS COPIED FROM VIRGINIA'S CURE

or An ADVISIVE NARRATIVE Concerning VIRGINIA Discovering the True Ground of that Churches Unhappiness, and the Only True Remedy.

As it was presented to the Right Reverend Father in God GUILBERT Lord Bishop of London, September 2, 1661. Now published to further the Welfare of that and the like Plantations: By R. G. London, Printed by W. Godbid for Henry Brome at the Signe of the Gun in Ivy-lane, 1662.<sup>1</sup>

. . . . .

To shew the unhappy State of the Church in Virginia, and the true Remedy of it, I shall first give a brief Description of the Manner of our Peoples scatter'd Habitations there; next shew the sad unhappy consequences of such their scatter'd Living both in reference to themselves and the poor Heathen that are about them, and by the way briefly set down the cause of scattering their Habitations, then proceed to propound the Remedy, and means of procuring it; next assert the Benefits of it in reference both to themselves and the Heathen; set down the cause why this Remedy hath not been hitherto compassed: and lastly, till it can be procured, give directions for the present supply of their Churches.

That part of Virginia which hath at present craved your Lordships Assistance to preserve the Christian Religion, and to promote the Building Gods Church among them, by supplying them with sufficient Ministers of the Gospel, is bounded on the North by the great River Patomek, on the South by the River Chawan, including also the Land inhabited on the East side of Chesipiack Bay, called Accomack, and contains above half as much Land as England; it is divided into several Counties, and those Counties contain in all about Fifty Parishes, the Families whereof are dispersedly and scatteringly seated upon the sides of Rivers; some of which running very far into the Country, bear the English Plantations above a hundred Miles, and being very broad, cause the Inhabitants of either side to be listed in several Parishes. Every such Parish is extended many Miles in length upon the Rivers side and usually not above a mile in Breadth backward from the River, which is the common stated breadth of every Plantation belonging to each Particular Proprietor, of which Plantations, some extend themselves half a mile, some a mile, some two miles, some three miles, and upward upon the sides of those Rivers, many of them are parted from each other by small Rivers and Creeks, which small Rivers and Creeks are seated after the manner of the great Rivers. The Families of such Parishes being seated after this manner, at such distances from each other, many of them are very remote from the House

of God, though placed in the midst of them. Many Parishes as yet want both Churches and Gleabes, and I think not above a fifth part of them are supplied with Ministers, where there are Ministers the People meet together Weekly, but once upon the Lords day, and sometimes not at all, being hindred by Extremities of Wind and Weather; and divers of the more remote Families being discouraged, by the length or tediousness of the way, through extremities of heat in Summer, frost and Snow in Winter, and tempestuous weather in both, do seldome repair thither.

By which brief Description of their manner of seating themselves in that Wildernesse, Your Lordship may easily apprehend that their very manner of Planting themselves, hath caused them hitherto to rob God in a great measure of that publick Worship and Service, which as a Homage due to his great name, he requires to be constantly paid to him, at the times appointed for it, in the publick Congregations of his people in his House of Prayer. *Hinc. Illae Lachrymae.*

This Sacriledge I judge to be the prime Cause of their long languishing improsperous condition, for it puts them under the Curse of God according to that of Malachy 3.9. *Ye are cursed with a Curse because ye have robbed me.* Which Curse we find executed upon the Jews, after such a manner, as any observing Person that knows Virginia, need not doubt to conclude, that it hath long been executed upon her Planters in the same kind and manner, as it is express'd to have been upon the Jews, in Hag. 1.9. *Ye looked for much, and loe, it came to little: and when ye brought it home, I did blow upon it: Why, saith the Lord of Hosts? because of mine House that is wast, and ye run every man to his own house.* By which Scriptures (comparing their Sins of Sacriledge together) it appears, that the Curse of God was executed upon the Jews, for the same Sacriledge Virginia's Planters are guilty of, the same Sin of robbing God of his publick Worship and Service in his House of Prayer. . . . Which if Virginia's Planters do, it matters not whether they do it, by neglecting to build Churches, Houses of God amongst them, (which in great part they are guilty of) or by withholding, or not assuring the maintenance of the Ministry of Gods publick Worship, Word, and Sacraments (which I cannot wholly excuse them of) or by planting themselves after such a manner, as may disable them to attend as constantly upon such Sacred publick Ministrations in the House of God, as Equity of the Fourth Commandement, the positive Evangelical Duties, to be performed in publick Congregations, and the Law of the Church doth require (of which they are generally guilty) whether they rob God of any of these wayes, the Sin hath the same stamp of Sacriledge, and therefore the same Curse attending it. But long experience hath ascertained, and the before described manner of their Planting makes it evident, that whilst our Planters in



Virginia continue as at this day, dispersedly and remotely planted from the House of God, they will continue to rob God in a very great measure of his publick Worship and Service in his House of Prayer. Which is the same Sin the Jews were Cursed for, and must needs put them under the same Curse of God.

But though this be the saddest Consequence of their dispersed manner of Planting themselves (for what Misery can be greater than to live under the Curse of God?) yet this hath a very sad Train of Attendants which are likewise consequents of their scatter'd Planting. For, hence is the great want of Christian Neighbourhood, or brotherly admonition, of holy Examples of religious Persons, of the Comfort of theirs, and their Ministers Administrations in Sicknesse, and Distresse, of the Benefit of Christian and Civil Conference and Commerce.

And hence it is, that the most faithfull and vigilant Pastors, assisted by the most careful Church-wardens, cannot possibly take notice of the Vices that reign in their families, of the spiritual defects in their Conversations, or if they have notice of them, and provide Spiritual Remedies in their public Ministry, it is a hazard if they that are most concerned in them be present at the application of them: and if they should spend time in visiting their remote and far distant habitations, they would have little or none left for their necessary Studies, and to provide necessary spiritual food for the rest of their Flocks. And hence it is that through the licentious lives of many of them, the Christian Religion is like still to be dishonored, and the Name of God to be blasphemed among the Heathen, who are near them, and oft among them, and consequently their Conversion hindred.

Lastly, their almost general want of Schooles, for the education of their Children, is another consequent of their scattered planting, of most sad consideration, most of all bewailed of Parents there, and therefore the arguments drawn from thence, most likely to prevail with them chearfully to embrace the Remedy. This want of Schooles, as it renders a very numerous generation of Christians Children born in Virginia (who naturally are of beautiful and comely Persons, and generally of more ingenious Spirits then these in England) unserviceable for any great Employments either in Church or State, so likewise it obstructs the hopefulllest way they have, for the Conversion of the Heathen, which is, by winning the Heathen to bring in their Children to be taught and instructed in our Schooles, together with the Children of Christians. For as it is the beauty and Glory of Christian Graces, shining in the lives of Christians, which must make the Heathen that are men, in love with the Christian Religion; so it is that love, which can only perswade them to bring in their Children to be taught and instructed in it: but as it is unlikely that such love should be wrought in them by the Glory of Christian Graces,



appearing in Christian lives; who (as now planted) are for the most part destitute of the ordinary means of Grace: so granting that this might be, yet it is very unlikely that any rationall Heathen should be perswaded to commit their Children to the teaching and education of such Christians, whom they shall perceive to want Schooles of learning( the means of both) for their own.

It were easie to adde to these a heap of evil consequents of their scattered Planting which hinder their Temporal, as well as Spirituall happiness. But I forbear, it being a task unsuitable for my Profession, and for that I know the Remedy to be the same for both, and the removing the one will be the removing of the other.

Onely for conclusion of this part, discovering Virginia's Disease and Misery, Your Lordship may be pleased to represent to your thoughts the Evills of the fore-mentioned consequents of their scattered Planting in reference to the poor Heathen; The effecting whose Conversion, should be the great and designed by all, who would be subservient to the Providence of God, in Transporting our Colonies thither.

The Heathen enter frequently into some of the remote dispers'd habitations of the Christians, the premises considered, what can they see which should make them in love with their Religion? They see their Families disordered, their Children untaught, the public Worship and Service of the great God they own, neglected; neglected upon that very day which they heare call'd the Lords Day, and to be by the Christians peculiarly set a part for it; yea so farre neglected, that some of the Heathen have complained it was the worst of the seven to them, because the servants of the Christians Plantations nearest to them, being then left at liberty, oft spent that day in visiting their Indian Towns to the disquiet of the Heathen, but certainly to the great Scandall of the Christian Religion, and little hopes have the poor Heathen of redresse, whilst they see that Day so far neglected by the Christians, that in many Parishes they see no publick holy Assemblies of our people, no Ministers provided for the holy Ministrations of such Assemblies, no Churches erected and consecrated for such publique Sacred Ministrations; or such in such desolate Places, and so remote from many of their habitations that an ingenious Christian would blush to tell a Heathen, that They are the houses of the Christians great God, that made the Heaven and the Earth of nothing, in which he is honoured, worshipping'd, prayed unto, and his heavenly will taught from his holy Word: for if a sober discreet Heathen (and there are many such) should reply, Why hath not every parish one of them, and Ministers belonging to them? why do not the Christians build their houses nearer them, that they may come often to them? why are they not better built? why will not all the Christians of a Parish bestow as much cost in building the house of their great God,

as one particular Christian among them bestows upon his own house? what defence could an ingenuous Christian make, which should not at once both shame himself and the Christians he would defend?

. . . . .

No hopes therefore of bringing the Heathen in love with the Christian Religion; whilst so many evill and scandalous consequents attend the Christians scatter'd manner of planting in that wilderness. And their scatter'd Planting being the cause of such consequents, the consequents will remain, so long as that continues, as this day it doth. I have hitherto forbore to mention the great danger that many of the Christians are in, of being destroyed by the Heathen, as formerly hundreds of them have been, because this consideration doth so easily offer itself upon the fore-mentioned description of their scattered Seating: By which and the sad consequents of it, if your Lordship shall please to contemplate the deplorable Estate and condition of the poor Church in Virginia (which implores your aid) it will present to your charitable heart such a moving object of your fatherly Care, Pitty, and Compassion, as will employ all your Interest in the Kings Grace and Favor, and your utmost power and endeavours to procure the Remedy.

The cause of their dispers'd Seating was at first a priviledge indulged by the royall Grant of having a right to 50 Acres of Land, for every person they should transport at their own charges: by which means some men transporting many Servants thither, and others purchasing the Rights of those that did, took possession of great tracts of Land at their pleasure, and by Degrees scattered their Plantations through the Country after the manner before described, although therefore from the premisses, it is easie to conclude, that the onely way of remedy for Virginia's disease (without which all other help will only palliate not cure) must be by procuring Towns to be built, and inhabited in their several Counties. Yet lest any man be hereby injured in his just Right, even this Remedy ought to be procured after such a manner, as the present manner of planting themselves, their poverty, and mean condition will permit. According to which, whether the building Towns in each County of Virginia, will be best promoted by reviving a former Act of that Country for Markets in Stated places of each County, where whatsoever should be transported into that Colony was onely to be sold (which Act was perhaps over-hastily repealed the next ensuing Assembly held March 27, 1656, for in my hearing, they who were the Chief Agents in repealing it, have more than once repented it) or whether they may best be promoted by some other way (it being out of my Sphere) I dare not presume to determine, Your Lordship will best inform your self in this by consulting with Virginia's present Honourable Governour Sir William Berkly, or their late Edward Digges Esq:

What way soever they determine to be the best, I shall humbly in obedience to your Lordships command endeavour to contribute towards the compassing this Remedy by propounding,

1. That your Lordship would be pleased to acquaint the King with the necessity of promoting the building of Towns in each County of Virginia, upon the consideration of the fore-mentioned sad Consequents of their present manner of living there.

2. That your Lordship upon the foregoing consideration, be pleased to move the pitiful, and charitable heart of His Gracious Majesty (considering the Poverty and needs of Virginia) for a Collection to be made in all the Churches of his three Kingdomes (there being considerable numbers of each Kingdome) for the promoting of a work of so great Charity to the Souls of many thousands of his Loyal Subjects, their Children, and the Generations after them, and of numberlesse poor Heathen, and that the Ministers of each Congregation be enjoyned with more than ordinary care, and pains to stirre up the people to a free and liberal Contribution towards it; or if this way be not thought sufficient, then some other way be taken to do it.

3. That the way of dispensing such collections for sending Work-men over for the building of Towns and Schooles, and the assistance the persons that shall inhabit them shall contribute towards them may be determin'd here, by the advice of Virginia's present or late Honourable Gove-nours if in London; and whom they shall make choice of for their assistants (who have formerly lived in Virginia); and that the King (if he shall approve what is so determined) may be humbly Petitioned to authorize it by his special command, lest what is duely ordered here, be perverted there.

Fourthly, That those Planters who have such a considerable number of Servants, as may be judged may enable them for it, if they be not willing (for I have heard some expresse their willingnesse and some their aver-senness) may by His Majesties Authority be enjoyned, to contribute the Assistance that shall be thought meet for them, to build themselves houses in the Towns nearest to them, and to inhabit them, for they having horses enough in that Country, may be convenienced, as their occasions require, to visit their Plantations. And the Masters who shall inhabit the Towns, having Families of Servants upon remote Plantations, may be ordered to take care, that upon Saturdays Afternoon (when by the Custome of Virginia, Servants are freed from their ordinary labour) their Servants (except one or two, left by turns to secure their Plantations) may repair to their Houses in the Towns, and there remain with their Masters, until the publick Worship and Service of the Lords Day be ended.

Fifthly, That for a continual supply of able Ministers for their Churches after a set term of years, Your Lordship would please to endeavour the procuring an Act of Parliament, whereby a certain number of Fellowships, as they happen to be next proportionably vacant in both the Universities, may bear the name of Virginia Fellowships, so long as the Needs of that Church shall require it; and none be admitted to them, but such as shall engage by promise to hold them seven years and no longer; and at the expiration of those seven years, transport themselves to Virginia, and serve that Church in the Office of the Ministry seven years more (the Church there providing for them) which being expired, they shall be left to their own Liberty to return or not: and if they perform not the Conditions of their Admittance, then to be incapable of any Preferment.

These things being procured, I think Virginia will be in the most probable way (that her present condition can admit) of being cured of the fore-mentioned evils of her scatter'd Planting.<sup>2</sup>

. . . . .

These things considered, men may wonder why the attempts made by the fore-mentioned Honourable Govenours to reduce Virginia's Planters into Towns did never succeed, and perhaps it may be hard for any that never lived among them rightly to conjecture. But the truth in plain English is this,

Whatsoever is of publick cocernment in Virginia, is determined by their Grand Assemblies, which are usually held once a year, and consist of Govenour and Councell, which make the upper house, and the Burgesses which represent the People, and make the lower house, and are chosen out of every County by the People, after the manner that Burgesses are chosen for Parliaments in England, and are more or fewer according as the People agree, who are to defray their charges. Whatsoever passes into an Act of Assembly, must be agreed upon by the Major part of Burgesses, and these are usually such as went over Servants thither, and though by time and industry, they may have attained competent Estates; yet by reason of their poor and mean education they are unskilful in judging of a good Estate either of Church or Commonwealth, or of the means of procuring it. No marvell therefore, if the best proposals, which have been made to such persons, for reducing them into Towns, offending in the last against their present private worldly interest (though never so promising for the future) have been from time to time bandied against by such Major parts of the Burgesses, and the fewer wise heads over-voted by them.

And if at any time it hath so happened, that the Major part of the Burgesses have been so meetly qualified and tempered, as to enact any thing tending to such a publike good; The following Assemblies have



usually repealed it. The consideration of which is the true ground of the whole Third Proposition; of the Contents of which and the rest, if Your Lordship shall become the blessed procurer. The forlorne Church which is now scattered in desolate Places of that wilderness, without any comelinesse, which should make her desired, and sought after, may (through Gods blessing) in a few years, gain such beauty, wealth, and ornament, as may either enable her to nurse up Children of her own, or to become her servants in the Gospel, or allure Strangers to court her for the Favour, and if it shall please God to prolong your Honourable dayes, till you shall hear of the promised blessed fruits of your labour of love and charity for that poor Church, (which God grant in mercy for his name and Churches sake) what ravishing joy and contentment will affect your pious and charitable heart, to contemplate at this distance, the Glory of the Communion of Saints, in their united holy Societies and Assemblies; the constant beauty of their publique Worship; of their holy Sacrifices of prayers and praises offered in a comely order in their publique congregations.

To contemplate the poor church (whose plants now grow wilde in that Wilderness) become like a garden enclosed, like a Vineyard fenced, and watch'd like a flock of Sheep with their Lambs safely folded by night, and fed by day; all which are the promised fruits of well ordered Towns, under Religious Pastours and Magistrates, with what joy, and delight may you likewise think upon their comely and most ingenious Children, like hopefull plants growing up in Nurseries of learning and piety, and when their time of fruit is come, Transplanted into the enclosed gardens of God, and becoming fruitfull and usefull trees of righteousness; which is the promised happinesse and benefit of well ordered Schooles, in well governed Towns.

And lastly, what rejoycing will it be to your most Christian heart to behold your glorious issue of that prophecy, concerning the calling the Gentiles fulfilled in those numerous herds of Heathen in Virginia, Isa. 11.6 &c. *The Wolfe shall dwell with the Lambe, the Leopard shall lye down with the Kid, &c.* To contemplate the Heathen, who in that Prophcie are likened to Wolves, Leopards, Lyons, Bears, Aspes, and Cockatrices; couching quietly and harmlessly in the same fold of Christs Church with the Sheep and Lambes of Christ, which will be the hopeful Consequent of well ordered Towns and Schooles. And the procuring these, the onely true effectual Remedy for Virginia's Disease, as hath been shewed.

But this is a Work of time to compasse; and we have an English Proverb, *Whilst the grasse growes, the Steed Starves*, before this can be compassed, many poor Christians there, may perish for want of their souls food, where there is no vision the people perish, and that is the case of the far greater part of that Colony.

For encouragement therefore of Ministers to adventure thither to help them, I humbly propound,

*First*, That your Lordship be pleased to procure, that the next Grand Assembly in Virginia may enact. That what Tobacco any Parish agrees to pay their Minister, shall be payed of the best Tobacco of every Mans own Crop, and with Cask, otherwise experience hath shewed, that a Ministers livelyhood there will be very uncertain.

*Secondly*, That at the same Assembly it be Enacted, that every Parish chuse a Vestry (in case they have not one already chosen) and the Vestry of each Parish be enjoined to subscribe what quantity of Corn and Tobacco of the best of their own Crops, with Cask, they will allow a sufficient Minister yearly.

*Thirdly*, That in the next and every Assembly, the Act for paying 15 pounds of Tobacco *per annum*, for every Tythable person, in every Parish destitute of a Minister (which Act was made at an Assembly March 27, 1656.) be carefully executed, and strict Enquiry made, whether the Tobacco due by that Act, be duely collected, and employed to the ends express'd in that Act, viz. Building Churches, purchasing Gleabes, and stocks of Cattel to belong to them. And if any Parish hath imployed any part of such Arrears to any other use, that they be enjoined to make them good again.

*Fourthly*, That the Act made in the same Assembly concerning disposing intestate estates to public uses, (in case no Administratour of Kin to the diseased Proprietour appears) may serve in the first place the needs of the Church, for furnishing each Parish with Gleabes, and the Gleabes with Stocks of Cattel, before any part of such estates be employed to any other use.

*Fifthly*, That there being divers persons already in the Colony fit to serve the Church in the office of Deacon, a Bishop be sent over, so soon as there shall be a City for his See, as for other Needs of that Church, so also, that after due Probation and Examination, such persons may be ordained Deacons, and their duty and Service be appointed by the Bishop.

*Sixthly*, That the Ministers that go thither, be not hired by the year, as is now usual, but firmly instituted and inducted into Livings of stated value by the Subscriptions of their Vestries, according to the second Proposition.

*Seventhly*, That all Ministers desirous to go to Virginia, and not able to transport themselves, be acquainted with an Act of Assembly of that Country, whereby it is provided, that whatsoever sufficient Minister, shall not be able to pay for his transportation, any Merchant that shall defray

the charge of it (if such Minister agree not with him upon other conditions) shall receive 20 pounds Sterling for his passage, from the Parish that entertains him, or two Thousand pounds of Tobacco, who shall also repay any Sums of money disburs'd for his accomodation, and the Minister to be free to choose his Parish, which shall make such disbursements for him.

This is all I can think meet to propound at present, only for a Conclusion I shall add for the Encouragement both of Bishop and Ministers, that shall adventure thither out of pity and compassion to the souls of so many of their poor Brethren, that as their reward will be great in Heaven, so also, they shall (in a very pleasant and fruitful Land) meet with a People, which generally bear a great love and respect to their Ministers; And (if they behave themselves as becommeth their high calling) they shall find their ready help, and assistance in their Needs; and (which should be much more encouraging) they will find a People, which generally bear a great love to the stated Constitutions of the Church of England, in her Government and publik Worship; which gave us (who went thither under the late Persecutions of it) the advantage of Liberty to use it constantly among them, after the Naval force had reduced that Colony under the power (but never to the obedience) of the Usurpers.

Which Liberty we could not have enjoyed, had not the People generally express'd a great Love to it. And I hope even this will be a consideration (not of least regard) to move your Lordship to use all possible care and endeavour to supply Virginia's Needs with sufficient Orthodoxe Ministers, in the first place, and before any other of our forraigne Plantations which crave your help, because in the late times of our Churches Persecution, her people alone, cheerfully and joyfully embraced, encouraged and maintained the Orthodoxe Ministers that went over to them, in their public Conformity to the Church of England, in her Doctrine and stated manner of Public Worship.

FINIS.

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NOTES • VIRGINIA'S CURE

1. Virginia's Cure was reprinted in Force's *Collection of Historical Tracts*. It is listed as Number 15 in Volume Three.
2. About six pages of argument about the building of Towns is here omitted.

### C. A QUESTIONARY AND GOVERNOR BERKELEY'S REPLIES

*Submitted by the Lords Commissioners of Foreign Plantations, with  
the Governor's Answers to each distinct Head.*

*Copied from Hening's STATUTES AT LARGE OF VIRGINIA,  
II, 511-17.*

"These enquiries were propounded in the year 1670, and received their answers in 1671, while Sir William Berkeley was governor of Virginia. A more correct statistical account of Virginia at that period cannot, perhaps, anywhere be found. The answers appear to have been given with great candor, and were from a man well versed in everything relating to the country, having been for many years governor." (Note by Hening.)

. . . . .

1. What councils, assemblies, and courts of judicature are within your government, and of what nature and kind?

*Answer:* There is a governor and sixteen counsellors, who have from his sacred majestie, a commission of *Oyer and Terminer*, who judge and determine all causes that are above fifteen pounds sterling; for what is under, there are particular courts in every county, which are twenty in number. Every year, at least the assembly is called, before whom lye appeals, and this assembly is composed of two burgesses out of every county. These lay the necessary taxes, as the necessity of the war with the Indians, or their exigencies require.

2. What courts of judicature are within your government relating to the admiralty?

*Answer:* In twenty-eight years there has never been one prize brought into the country; so that there is no need for a particular court for that concern.

3. Where the legislative and executive powers of your government are seated?

*Answer:* In the governor, council and assembly, and officers substituted by them.

4. What statute laws and ordinances are now made and in force?

*Answer:* The secretary of this country every year sends to the lord chancellor, or one of the principal secretaries, what laws are yearly made; which for the most part concern only our own private exigencies; for, contrary to the laws of England, we never did, nor dare make any, only this, that no sale of land is good and legal, unless within three months after the conveyance it be recorded in the general court, or county courts.



5. What number of horse and foot are within your government, and whether they be trained bands or standing forces?

*Answer:* All our freemen are bound to be trained every month in their particular counties, which we suppose, and do not much mistake, in the calculation, are near eight thousand horse: there are more, but it is too chargeable for poor people, as we are, to exercise them.

6. What castles and fforts are within your government, and how situated, as also what stores and provisions they are furnished withall?

*Answer:* There are five fforts in the country, two in James River and one in the three other rivers of York, Rappahannock and Potomeck; but God knows we have neither skill or ability to make or maintain them; for there is not, nor as far as my enquiry can reach, ever was one ingenier in the country, so that we are at continual charge to repair unskilfull and inartificial buildings of that nature. There is not above thirty great and serviceable guns; this we yearly supply with powder and shot as far as our utmost abilities will permit us.

7. What number of privateers do frequent your coasts and neighbouring seas; what their burthens are; the number of their men and guns, and the names of their commanders?

*Answer:* None to our knowledge, since the late Dutch war.

8. What is the strength of your bordering neighbours, be they Indians or others, by sea and land; what correspondence do you keep with your neighbours?

*Answer:* We have no Europeans seated nearer to us than St. Christophers or Mexico that we know of, except some few fFrench that are beyond New England. The Indians, our neighbours, are absolutely subjected, so that there is no fear of them. As for correspondence, we have none with any European strangers, nor is there a possibility to have it with our own nation further than our traffic concerns.

9. What armes, ammunition and stores did you find upon the place, or have been sent you since, upon his majestyes account; when received; how employed; what quantity of them is there remaining, and where?

*Answer:* When I came into the country, I found one only ruined ffort, with eight great guns, most unserviceable, and all dismounted but four, situated in a most unhealthy place, and where, if an enemy knew the soundings, he could keep out of the danger of the best guns in Europe. His majesty, in the time of the Dutch Warr, sent us thirty great guns, most of which were lost in the ship that brought them. Before, or since this, we never had one great or small gun sent us, since my coming hither; nor, I believe, in twenty years before. All that have been sent by his sacred majesty, are still in the country, with a few more we lately bought.

10. What monies have been paid or appointed to be paid by his majesty, or levied within your government for and towards the buying of armes or making or maintaining any ffortifications or castles, and how have the said monies been expended?

*Answer:* Besides those guns I mentioned, we never had any monies of his majesty towards the buying of ammunition or building of fforts. What monies can be spared out of the publick revenue, we yearly lay out in ammunition.

11. What are the boundaries and contents of the land, within your government?

*Answer:* As for the boundaries of our land, it was once great, ten degrees in latitude, but now it hath pleased his majesty to confine us to half a degree. Knowingly, I speak this. Pray God it may be for his majesty's service, but I much fear the contrary.

12. What commodities are there of the production, growth and manufacture of your plantation; and particularly, what materials are there already growing, or may be produced for shipping in the same?

*Answer:* Commodities of the growth of our country, we never had any but tobacco, which in this yet is considerable, that it yields his majesty a great revenue; but of late, we have begun to make silk, and so many mulberry trees are planted, and planting, that if we had skilfull men from Naples or Sicily to teach us the art of making it perfectly, in less than half an age, we should make as much silk in an year as England did yearly expend three score years since; but now we hear it is grown to a greater excess, and more common and vulgar usage. Now, for shipping, we have admirable masts and very good oaks; but for iron ore I dare not say there is sufficient to keep one iron mill going for seven years.

13. Whether salt-peter is or may be produced within your plantation, and if so, at what rate may it be delivered in England?

*Answer:* Salt-petre, we know of none in the country.

14. What rivers, harbours, or roads are there in or about your plantation and government, and of what depth and soundings are they?

*Answer:* Rivers, we have four, as I named before, all able, safely and severally to bear an harbour a thousand ships of the greatest burthen.

15. What number of planters, servants and slaves; and how many parishes are there in your plantation?

*Answer:* We suppose, and I am very sure we do not much miscount, that there is in Virginia above forty thousand persons, men, women and children, and of which there are two thousand *black slaves* six thousand *christian servants*, for a short time, the rest are born in the country or have come in to settle and seat, in bettering their condition in a growing country.

16. What number of English, Scots or Irish have for these seven yeares last past come yearly to plant and inhabite within your government; as also what *blacks* or *slaves* have been brought in within the said time?

*Answer:* Yearly, we suppose there comes in, of servants, about fifteen hundred, of which most are English, few Scotch, and fewer Irish, and not above two or three ships of negroes in seven years.

17. What number of people have yearly died, within your plantation and government for these seven years last past, both whites and blacks?

*Answer:* All new plantations are, for an age or two, unhealthy, 'till they are thoroughly cleared of wood; but unless we had a particular register office for the denoting of all that died, I cannot give a particular answer to this query, only this I can say, that there is not often unseasoned hands (as we term them) that died now, whereas heretofore not one of five escaped the first year.

18. What number of ships do trade yearly to and from your plantation, and of what burthen are they?

*Answer:* English ships, near eighty come out of England and Ireland every year for tobacco; few New England ketches; but of our own, we never yet had more than two at one time, and those not more than twenty tuns burthen.

19. What obstructions do you find to the improvement of the trade and navigation of the plantations within your government?

*Answer:* Mighty and destructive, by that severe act of parliament which excludes us the having any commerce with any nation in Europe but our own, so that we cannot add to our plantation any commodity that grows out of it, as olive trees, cotton or vines. Besides this, we cannot procure any skilfull men for one now hopefull commodity, silk; for it is not lawfull for us to carry a pipe stave, or a barrel of corn to any place in Europe out of the king's dominions. If this were for his majesty's service or for the good of his subjects, we should not repine, whatever our sufferings are for it; but on my soul, it is the contrary for both. And this is the cause why no small or great vessells are built here; for we are most obedient to all laws, whilst the New England men break through, and men trade to any place that their interest leads them.

20. What advantages or improvements do you observe that may be gained to your trade and navigation?

*Answer:* None, unless we had liberty to transport our pipe staves, timber and corn to other places besides the king's dominions.

21. What rates and duties are charged and payable upon any goods exported out of your plantation, whither (i.e., whether) of your own growth or manufacture, or otherwise, as also upon goods imported?

*Answer:* No goods, either exported or imported pay any the least duties here, only two shillings the hogshead on tobacco exported, which is to defray all public charges; and this year we could not get an account of more than fifteen thousand hogsheads, out of which the king allows me a thousand yearly, with which I must maintain the port of my place, and one hundred intervening charges that cannot be put to public account. And I can knowingly affirm, that there is no government of ten years settlement, but has thrice as much allowed them. But I am supported by my hopes, that his gracious majesty will one day consider me.

22. What revenue doe or may arise to his majesty within your government, and of what nature is it; by whom is the same collected, and how answered and accounted to his majesty?

*Answer:* There is no revenue arising to his majesty but out of the quit-rents; and this he hath given away to a deserving servant, Col. Henry Norwood.

23. What course is taken about the instructing the people, within your government in the christian religion; and what provision is there made for the paying of your ministry?

*Answer:* The same course that is taken in England out of towns; every man according to his ability instructing his children. We have forty eight parishes, and our ministers are well paid, and by my consent should be better if they would pray oftener and preach less. But of all other commodities, so of this, the worst are sent us, and we had few that we could boast of, since the persicution in Cromwell's tyranny drove divers worthy men hither. But, I thank God, there are no free schools nor printing, and I hope we shall not have these hundred years; for learning has brought disobedience, and heresy, and sects into the world, and printing has divulged them, and libels against the best government. God keep us from both!

#### D. MORGAN GODWYN'S LETTER TO SIR WILLIAM BERKELEY.

##### *Concerning the State of Religion in Virginia*

This Letter, which was declared by Col. Francis Moryson, Deputy-Governor of Virginia in 1661 to be a "virulent libel" is given here in full in order that its worth or lack of worth as an account of conditions in Virginia during the period between 1666 and 1670 may be determined. Quotations from it are frequently met, and his colorful statements such as "Ministers most miserably handled by their plebeian Junto's the Vestries," and "leaden Lay-Priests of the Vesteries ordination," have been used by some writers as if they were descriptive of conditions throughout



the whole colonial period; seemingly assuming that a letter written about 1670 might be accepted as a prophetic foretelling of conditions which would exist a hundred years later.

Unquestionably, there were of necessity unhappy and exceedingly unsatisfactory conditions in the Church of Virginia during the decade after the Restoration—conditions which the people of Virginia themselves recognized and which they were doing their utmost to overcome. The Assembly had made its strong appeal to the Church of England for help, and even then the effort was on foot which culminated in 1672 in the abortive effort to establish a diocese in America and give Virginia its sorely needed bishop. Four-fifths of the parishes were vacant at that time because of the sheer impossibility of securing a supply of ministers from England: consequently, the vestries of the respective parishes were compelled to employ laymen as readers to hold services, and do what they could by baptizing dying children and performing such other ministrations as they were permitted to perform; or else shut up their churches and do without religious services altogether.

It is this condition which this young minister attacks when he presents his exaggerated and scornful description of lay-readers as lay-priests of the Vestry's ordination. He does not at any point show that he understands the conditions which caused the widespread use of laymen.

Morgan Godwyn, born about 1641, received his Bachelor's degree from Christ Church College, Oxford, about the beginning of the year 1665, at the age of twenty-four. He was vicar of Wendover, Buckinghamshire, in 1666, and rector of Woldham, Kent, in 1680, and vicar of Bulkington, Warwick, in 1681. He was in Virginia for a few years between 1665 and 1670. His name appears as minister of Marston Parish in York County about 1666 and then he spent a short time in Jamestown. Between 1667 and 1670 he seems to have been the minister of Potomac Parish in Stafford County, or of one of the parishes into which Potomac Parish was divided, and was engaged in a bitter contest in the courts with his vestry, or members of it, which finally went up by appeal to the general court at Jamestown.

The situation, as far as can be determined from a few scant orders in the Minute Book of the General Court, seems to have been as follows:

In January, 1667/68, Col. John Dodman, a vestryman of Potomac Parish and one of the leading citizens of Stafford County, secured a judgment in the Stafford County court against the Rev. Mr. Morgan Godwyn, and under that judgment the sheriff seized the parson's books and other property and gave it all to Col. Dodman.

Godwyn appealed the case to the General Court, and the matter came up for trial in 1670. Godwyn was exonerated: the judgment of the Staf-

ford court was reversed and Col. Dodman was ordered to return the books and other property which had been seized. Godwyn brought suit against the sheriff also, Major George Mason, and won a judgment against him. Cross suits brought by Godwyn and "Mr. Massey," another citizen of Stafford who seems to have been involved in the proceedings, were both dismissed and each plaintiff ordered to pay his own costs. The final action of the General Court was to order the dismissal of the original suit brought by Col. Dodman against Mr. Godwyn, and Col. Dodman in open court apologized for the statements he had made about Mr. Godwyn.<sup>1</sup>

Perhaps one may find, in the remembrance of this suit brought by a vestryman of his parish, the reason for the bitterness Godwyn exhibited in his Letter to the Governor against vestries as a class.

Godwyn left Virginia shortly after that experience and went to Barbadoes, where he spent a good many years as a missionary, and became deeply interested in the condition of the Negro and Indian slaves. His pamphlet—written and published in 1680—is a valuable contribution toward our knowledge of conditions under which missionary work among the Negroes and Indians was carried on in Barbadoes in that day.

Our chief interest, however, is connected with the letter about conditions in Virginia which he attached as an appendix to his pamphlet. This letter almost certainly was written just about the time when he left Virginia. Obviously it was not written in 1680, as Governor Berkeley had been dead for nearly three years by that time.

It is easy for a student to note some of the gross exaggerations in this letter and to show their inaccuracy. Among them are the following:

"There being no law" writes Mr. Godwyn, "obliging them (i.e., the vestries) to any more than to procure a lay-reader (to be obtained at a very moderate rate), they either resolve to have none (i.e., no minister), at all or reduce them to their own terms." This is sheer perversion of the laws in the Code of 1661/62. Every vestry was ordered to erect necessary church buildings, provide a glebe (or its equivalent) and assess the parishioners for the amount needed to pay the expenses of the parish, the salary of the minister and the care of the poor. The salary of the minister was definitely fixed and was required to be equal in amount to eighty pounds sterling in value. The vestry was to appoint the minister if one could be secured, and, if one could not be secured, "every parish not having a minister to officiate every Sunday doe make choice of a grave and sober person of good life and conversation to read divine service every intervening Sunday at the parish church when the minister preacheth at any other place."<sup>2</sup>

Doubtless, this was the specific law which Godwyn had in mind. But he loses sight of the fact whose value was manifested in his own case, that

if any vestry failed to employ a minister who was available, and employed a reader simply to reduce expenses, there would inevitably have been some parishioners who would appeal against the vestry to the General Court, and who would demand that the vestry be ordered to do its duty. The claim of any vestry that it had the right under that law to choose for itself whether it would employ a minister or a lay-reader would not have gotten them very far in the General Court.

There is again his statement that at least ten thousand persons were kidnapped in England every year and carried to the colonies to be sold into servitude. He was referring, of course, to the plan which had been in force from the beginning that desirable emigrants who were too poor to pay the cost of a voyage to Virginia or another colony might be carried free upon their agreement to serve for a period of a few years (usually four or five in Virginia, for adult emigrants) as indentured servants. The shipmaster, upon arrival in the colony, sold the services of the emigrant for the agreed period to some planter. After the period of service was ended, the servant went free and, under the law of Virginia, was given sufficient food and clothing to carry him until he could get settled somewhere as a freeman. Under this plan, it happened very frequently that men of education who looked forward to the ministry, or some other form of employment, would come as indentured servants because they had no money to pay passage. It was a very common thing for large planters to secure educated men as overseers or tutors for their children through the medium of indentured service, and many who came in this way rose to high position in their later lives. Governor Berkeley stated in 1671 that about fifteen hundred indentured servants came to Virginia every year. It is quite conceivable that sometimes a too enterprising and unscrupulous shipmaster might upon occasion have his henchmen kidnap some person and bring him to Virginia or elsewhere to sell into servitude, but, in every such case, he ran the risk of the person kidnapped making appeal to the General Court. That Court would make short shift of such kidnappers. If it had been true that ten thousand persons were kidnapped in England every year and sold into slavery in the colonies, that fact would have rocked England to its foundations.

Another very remarkable (if true) statement Godwyn makes is that, while it was forbidden to marry indentured servants in secret, the ministers were forbidden to publish the banns of matrimony of indentured servants in the church and so were prevented, under a fine of ten thousand pounds of tobacco, from following the usual rule for making announcement publicly of a proposed marriage. A study of the marriage laws of the Code of 1661/62 will show the utter absurdity of this statement. The minister was forbidden to perform the marriage of indentured servants unless the consent of their respective masters and mistresses had been se-

cured. When the proper consent had been given the banns were announced for servants just as they were for freemen. The fine of ten thousand pounds of tobacco to which he referred was ordered to be assessed against any minister who performed a marriage without either announcing the bans of matrimony, or having received a license for the marriage from the governor of the colony.

After the same fashion of absurdity is his statement, "the not only permitting but commissioning Lay-Men to preach, and to enjoy four or five Parishes (but at under rates)." If this means anything, it means that a lay-reader was given the charge of four or five parishes, with salary from each one. The law directed that, in lack of a minister, every parish should select a man of good character to read the full morning service every Sunday and to read a homily from the authorized Book of Homilies. There would hardly be a single parish anywhere in Virginia in which there would not be at least one man of good character and education who would be willing to serve as a reader, and the salary was not sufficiently large to tempt anyone. To speak of four or five adjoining parishes being so deficient in men of good character and sufficient education to read the service and homily as to find it necessary to employ one layman to travel from parish to parish for Sunday services takes one beyond the realm of probability, to say the least.

The whole letter should be read with these criticisms in mind. It is really much more a venting of spleen against a single vestry than a fair account of conditions in the colony as a whole. He is even inaccurate in his laudatory address to Sir William Berkeley. Writing about 1670 of the "forty years" (1640-1670), in which Sir William had "carefully guarded Virginia—having scarcely set Foot off that soil for near these forty years," he quietly overlooks the year or more in 1661-62, in which Sir William was absent in England, looking after the interests of the colony, of course, but coming back with quite a large slice of Virginia territory in his own pocket as one of the eight proprietors of the new Province of Carolina.

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NOTES • [D] MORGAN GODWYN'S LETTER TO SIR WILLIAM BERKELEY CONCERNING THE STATE OF RELIGION IN VIRGINIA.

1. See McIlwaine, *Minutes of the General Court of Virginia*, under dates of April 15, 1670 (p. 205); October 11, 1670 (p. 226); and October 12, 1670 (p. 227). See, also, Goodwin, *Colonial Church in Virginia*, p. 272.
2. See Hening's *Statutes*, II, 44-47, for the laws mentioned.



MORGAN GODWYN'S LETTER TO SIR WILLIAM BERKELEY  
(TITLE PAGE)

THE NEGRO'S AND INDIANS ADVOCATE, Suing for their Admission to the Church.

A Persuasive to the Instructing and Baptizing of the Negro's and Indians in our Plantations.

Shewing that the Compliance therewith can prejudice no man's just interest; So the wilful Neglecting and Opposing of it, is no less than a manifest Apostacy from the Christian Faith.

To which is added, a Brief Account of Religion in Virginia. By Morgan Godwyn, Sometime St. of Ch. Ch. Oxon. Printed in London in 1680.

(The last eight pages of this pamphlet, being pages 167 to 174, inclusive, contain his Brief Account of Religion in Virginia, under its own Heading. This Account is here given in full.)

THE STATE OF RELIGION IN VIRGINIA AS IT WAS SOMETIME BEFORE THE LATE REBELLION, REPRESENTED IN A LETTER TO SIR W. B. THEN GOVERNOUR THEREOF.

THAT I have made bold to present unto your Excellency this \* mean \*Footnote. \*Then intended to be made public, but for other reasons here omitted.

. . . . .

Discourse (exposed to public view more of Necessity and to vindicate myself than of choice) is because it may no less need your Patronage, than the Author him self did, during his abode in that your Province of Virginia; a Colony that may be said wholly to owe it self to your Excellency, made happy by your Prudent Government, as being the Prime, if not the only Raiser of her to her present Greatness; having first rescued her from most imminent and apparent Destruction, whilst by your noble and wise Conduct, you not only broke the force of the Common Enemy, but so utterly subdued, as to extinguish in them all hopes, and to destroy the very seeds of any future Disturbance, which might arise through their Occasion.

And having like a tender Father nourished and preserved that Colony in her Infancy and Non-Age, you carefully guarded her ever since, having scarce set foot off that Soil for well near these forty Years, Under whose Tutelage she is now almost grown Adult, needing no assistance from, but rather able to afford some to her Mother Country. So that we may without Assention affirm, that your Excellency hath been no less a Sanctuary to Virginia in her distress than Virginia hath been unto others. Which tho she hath happily since outgrown, yet your Excellency doth not cease still to make evident proof of your Innate Affection to

her, yearly expending your proper Income and Revenue for the good of her; paying her much more Credit and Support than you receive; thereby demonstrating that the only reward you desire and wish, is that she may thrive and prosper.

But, as our Blessed Saviour once said to the young Man in the Gospel, Yet lackest thou one thing to be perfect; so may we, and I fear too truly, say of Virginia, that there is one thing, the Propagation and Establishing of Religion in her, wanting; which if by your Excellencies Piety added, would make your Name great, and your Memory glorious; no less than that place, which hath so long been the Seat of your Government happy.

For there is no pious Eye nor Heart can consider the great (Neglect shall I say? or rather) Contempt of Religion there without resolving itself into Sighs and Tears. It is most Certain that there are many Families, who have never been present at any public Exercise of Religion since their Importation into that Colony. The Ministers also are most Miserably handled by their Plebeian Junto's, the Vestries; to whom the Hiring (that is the usual word there), and admission of Ministers is solely left. And there being no Law obliging them to any more than to procure a Lay-Reader (to be obtained at a very moderate rate); They either resolve to have none at all, or reduce them to their own Terms; that is, to use them how they please, pay them what they list, and to discard them whensoever they have a mind to it. And this is the recompense of leaving their hopes in England (far more considerable to the meanest Curate than whatever can possibly be apprehended there) together with their Friends and Relations, and their Native Soil, to venture their lives into those parts amongst strangers and enemies to their Profession; who look upon them as a Burden; as being with their Families (where they have any) to be supported out of their Labour. So that I dare boldly Aver, that our Discouragements there are much greater, than ever they were here in England, under the Usurpers. I shall, to avoid Tediousness and multiplicity of Examples, Instance only their being hired from Year to Year, and made to accept of Parishes at under Rates, which I think was never practiced in those Times, especially upon such as were approved by their own Laws and conformable to their own Government, which those Ministers now in Virginia in all things are to the Government there.

Sir, I would not be thought to speak this out of any design to disparage the Place; It being a Country so Fruitful, and withal so Pleasant, especially towards the Southern parts, as Carolina, &c., that I do prefer it before England in many things; but may justly equal it thereto in all; Those only excepted, which Time and Multitudes of People must produce. Only I cannot but think it great pity, that a Region so richly furnished with

Blessings of the Left, should so much want those more Necessary ones of the Right-Hand.

Much less would I herein be thought to reflect upon your Excellency, who have always professed a great tenderness for Church-Men. For alas, these things are kept from your Ears; nor dare the Ministers, had they opportunity, acquaint you with them, for fear of being used worse. And there being no Superiour Clergyman, neither in Council nor in any place of authority, for them to address their Complaints to, and by his means have their Grievances brought to your Excellencie's Knowledg, they are left without Remedy. Besides, their Adversaries have that usual Craft of underhand blasting their Fame, and charging them with Litigiousness (which is nothing else but a suing for their own), or prepossessing your Excellencie with forged Stories either by themselves invented, or known to be False as the best Evidence can make them. But yet, when thereby a secret Prejudice is conceived against them, and the cause unknown, they find it impossible to redeem their Reputations with your Excellency. But

*"Dat veniam Corvis, vexat censura Columbas.;*

For where anything is truly chargeable, as is frequent amongst their leaden lay-Priests of the Vesteries ordination\* (which make up near of two-thirds of the Preachers), and is both the shame and grief of the rightly Ordained Clergie there; Nothing of this ever reaches your Excellencie's Ear. Those hungry Patrons knowing better how to make benefit by their Vices than by the Vertues of the other.

Footnote. \*How true this is, may be gathered from the Story of a certain Writing-Master who came into Virginia, first as Bishop thereof; but that not taking, he professed himself Doctor of Divinity and wore a Scarlet Hood in the Pulpit, going by the name of Dr. Dacres, and shewing Orders under that name. But being discovered, hath since changed that Name to Acworth; yet to this hour continues his Preaching and Doctorship, if alive, which lately he was.<sup>1</sup>

The Laws also which are transmitted hither to invite the Subjects into those Parts are many of them so intricate and obscure, (not to say contradictory and fallacious) that they seem rather to be Traps and Pitfalls than Laws. I shall instance in two: The first is That wherein Servitude for four Years is made the penalty of accepting of another's Kindness (if I may so term it), that is, for permitting ones self to be Transported gratis when with much seeming Courtesie and Importunity offered unto them: For thereby the Party (whether Minister or other without exception) doth, by virtue of that Law, put himself into the Transporters power, and

is made to become his Servant, or to Ransome himself from that Thralldom and Misery at a very great rate, perhaps four or five times so much as their Passage should have cost them. A deceit which no Englishman, not versed in those American Arts and Frauds, can provide against; and is indeed the great Stay and Support of the Kidnappers Trade and Mystery; a Trade that 'tis thought carries off and consumes not so little as ten thousand People out of this Kingdom yearly: which might have been a defence to their Mother-Country, but now are many of them miserably destroyed, without any advantage to it.

The second is that Act wherein (contradictory to itself, no less than to our Act of Uniformity, and to another of their own) it is declared That to the intent that Servants Marriages may not be made in secret, they are forbidden to be published (beforehand by Banns, the usual and only way of preventing that Secresie), and that under no less penalty than 10,000 pounds of Tobacco; a Sum almost (if not quite) double to divers Ministers Incom and Allowance. And this for a thing unto which they are bound under as great Penalties by the said Act of Uniformity, and other Laws enjoining the said Publications. Which being once by most of the Ministers of that Colony in an humble Address and Petition to your Excellencie represented, as both unreasonable and impossible to be complied with (at the same time giving in their reasons for that allegation); they were so far from finding Redress from the Assembly then sitting, unto whom it was referred, that the Ministers found their condition much more uneasie afterwards, then it was before. Beside the present Punishing of the Promoters thereof, though not under that, but another Guise. I might here also insert the danger which doth usually ensue to the Minister upon his demanding the benefit of those Laws which concern their maintenance; this being a Crime which no Grandee of any Vestry, throughout the Country shall ever forgive.

To this may be added the profound silence as to things given to pious Uses; the not only permitting but commissioning Lay-Men to preach, and to enjoy four or five Parishes (but at under Rates); Deacons to undermine and thrust out Presbyters, to Administer the Sacraments, read Absolution, and enjoy Pluralities. Their suffering Parishes to extent to sixty or seventy miles in length, or letting them lie void for many Years together to save Charges, (as the Metropolis, your Honour's Parish, did) (as tis' said) for nearly twenty Years, some little Intervals only excepted); And in a word, the permitting of all things that concern the Church and Religion to the Mercy of the People.

One thing I had almost forgotten, and that is, besides the establishing of Religion amongst the English, the propagating of it amongst the Heathen, both Natives and Slaves also brought from other parts. Which tho, as must be piously supposed, it were the only end of God's discovering



those Countries to us, yet is there lookt upon, by our new Race of Christians, as so idle and Ridiculous, so utterly needless and unnecessary that no Man can forfeit his Judgement more, than by any proposal looking or tending that way.

I presume I need not acquaint your Excellencie how useful Religion, where it hath not lost its Force, (and there it ought by all means to be revived) is to the ease and support of Government, and may prove, to the securing of the King's Interest in those Plantations. Nor what an excellent Heathen writer tells us, That Religion is the Cement of all Communities, and the chief Basis of Legislative Power: That it is much more easie to build a Castle (we may also add, to plant a Colony) in the open Air, without any ground to found it upon, than to establish a Government without Religion. Much less that the despising of the Ephod, was the Rot of Sauls Kingdom and Government; And that the cause why Jeroboam is made to carry that infamous Train and Brand, Jeroboam the Son of Nebat, who made Israel to sin, nineteen times after him in sacred Scripture, was only for the contempt of Religion, and his committing the sacred Oracles to unclean and unholy Hands. Your Excellency knows all these things already, and needs no information; who doubtless are possessed with a deep inward veneration and sense of Religion upon a much higher Account, and that is the Salvation of Souls.

However, let me be bold to be your Remembrancer, and to mind your Excellency how needful it is, that those good Laws which are made for the suppression of Vice, and for reducing the People from this affected Gentilism, to a more diligent and conscientious discharge of their Duty to God (the only sure means to retain them in their due Allegiance to their Sovereign) be by the Inferiour Magistrates more duly executed; the Ministers encouraged, and all Invaders of that sacred Calling, cashired and punished for their bold and prophane Usurpations.

But I begin to exceed my Limits, in thus presuming to prescribe unto your Excellency, who are wise enough to effect whatsoever is necessary as to this most Important Affair, so soon as you shall find it expedient so to do. Wherefore beseeching your Excellency to excuse this Presumption, and to accept these my weak performances, which I humbly submit unto your Censure, I am

Your Excellencies

Servant and Orator

M. G.

*Psal. 119.12.* It is time for the Lord to Work, for they have made void they Law.

*Ezek. 8. 12.* For they say, The Lord seeth us not, the Lord hath forsaken the Earth.

## NOTE

1. Goodwin's biographical list—in his *Colonial Church in Virginia*—mentions a clergyman named Charles D'acres as Minister of Wicomico Parish in 1683. The list of Parishes and the Clergy in them in 1680 gives Charles Dacres as minister of both Farnham Parish and Wicomico Parish. But, unfortunately, when this list was published in *State Papers of Colonial Virginia* (Vol. 60, No. 410), the typesetter set the name up as Davies instead of Dacres. This error was copied in the *Virginia Magazine*, I, 242. The photostat copy of the original shows the name clearly as D'Acres.

No record of a minister named Acworth has survived to the present day. The present writer is not willing to say that the Charles D'Acres of 1680-82 was the same man as the imposter mentioned in Mr. Godwyn's letter.

## Appendix VIII

### REPLIES OF VESTRIES IN VIRGINIA IN 1704 TO GOVERNOR NICHOLSON UPON THE SUBJECT OF INDUCTION OF MINISTERS.

In the year 1703, at the request of Commissary Blair, Sir Edward Northey, Attorney-General of England, rendered a formal opinion in which he stated vestries of the several parishes in Virginia had the right to select the ministers whom they desired to serve as rectors of their parishes—this right having been acknowledged and confirmed by the laws enacted by the General Assembly of the colony. But, inasmuch as no law of Virginia dealt with the case of a vestry who employed a minister as incumbent and failed to present him to the governor for induction into the rectorship of the parish, he declared that, in such cases, the laws of the Church of England as adopted by Parliament were in force, and that whenever a vestry had failed to present a minister to the governor for induction into the rectorship within six months from the beginning of a vacancy, the governor had the right to appoint a minister of his own choosing and induct him into the rectorship of the parish, regardless of the desires or wishes of the vestry or parishioners.<sup>1</sup>

This opinion was reported to the Council by the governor and recorded in its minutes of March 3, 1703/4. By order of that body, Governor Nicholson sent a copy of the opinion to the churchwardens of every parish in the colony, with the instruction that it should be copied into the vestry records and read and discussed at a meeting of the vestry called for that purpose, with the further instruction that each vestry report to the governor its opinion as to the enforcement of the law as interpreted by the Attorney-General.

Of the 52 parishes in existence in Virginia in 1704, the replies of 47 have been preserved in the Public Record Office in London.<sup>2</sup> These letters are given in the following pages. Some of the letters deal with other matters also, but that part of each letter only which deals with the attorney-general's opinion is here given.

#### BRISTOL PARISH, in Henrico and Prince George Counties.

At a Vestry held at the Chappell Sunday after Sermon, July ye 2nd 1704.

Upon reading S<sup>r</sup> Edward Northey Kn<sup>t</sup> the Queen Majestys Attorney Gen<sup>l</sup> his Opinion and report upon the Acts of Assembly relating to the Church & Induction of Ministers, & the Gov<sup>rs</sup> Order in Councill thereon

directed to the Churchwardens & Vestry, dated ye 3 March, 1703 Ordered to be entered in the Vestry book; In Obedience thereto and upon Serious debate and consideration thereon the Vestry craveing yo<sup>r</sup> Excellencys Pardon humbly certifies that this parish is not Void but supply'd by the aforesaid Minister<sup>3</sup> upon Annal agreement now and for many years past. It is therefore by this Vestry agreed and most humbly desired the s<sup>d</sup> Mr. Robertson shall remain and continue their Minister as formerly without Induction.

#### WESTOVER PARISH.

The Vestry report that their minister, Mr. Charles Anderson,<sup>4</sup> "was many years before the date of the said Opinion Inducted into the said Parish, that therefore they thought it not requisite to proceed farther upon ye same."

#### LAWNE'S CREEK PARISH.

"The humble petition of the Churchwardens and Vestry of Lawns Creek Parish in ye County of Surry.

"Sheweth: That upon reading and consideration of Your Excellency's Order in Councill of the third of March last, concerning the Opinion of Sir Edward Northey Knight, her Majesty's Attorney Generall in relation to the laws of Virginia, more especially concerning the presentation and Induction of Ministers here: Most humbly represent to your Excellency that our circumstances in Virginia in relation to the Minister being so vastly different from those of the Kingdom England, there being always very many in holy Orders unbeneficed when all the parishes in the Kingdom are furnished with Incumbents Speedily to Supply all Vacancys when they happen, And here has never yet been Ministers enough to Supply us; neither are there at this time Incumbents in above half our parishes and none Unbeneficed to be presented by those that are Vacant, neither is it in our power (tho for our own parts wee have long and earnestly desired and endeavoured to procure any out of England).

"And whereas by the fourth Act of Assembly Anno 1662 Intituled 'Ministers to be Inducted,' The Governor for the time being is desirous to Induct such Ministers as shall be presented by any Parish, by which we humbly conceive no minister ought to be Inducted but upon such a presentation, And tho' by the St. of the 28 H 8<sup>5</sup> the time for presentation be limited, yet the Act of Assembly before mentioned seems to regard our own inability to comply with the said Statute, it being impossible for us in many Months and Sumtime years to procure a Minister to present, wherefore we humbly hope (the right of presentation in Virginia having been time out of mind Deemed and taken to be in the Vestrys of



the respective Parishes) Your Excellency will neither press or put in practice Mr. Attorney's opinion thereon."

SOUTHWARK PARISH, SURRY COUNTY, July 1, 1704.

"In obedience thereunto this Vestry have Ordered the Same to be Entred on the Records of this Parish and further humbly acquaint his Excellency that as soon as they are Supplied with a fit and Able Minister they shall then comply with what the Law shall direct, and further Ordered that the Churchwardens cause the proceedings herein be transmitted to his Excellency as soon as conveniently may be."

UPPER PARISH OF ISLE OF WIGHT COUNTY.

"At a Vestry held in the Parish this 22d day of July, 1704.

"Pursuant to an Order of Councill dated at Williamsburg the 3d day of March 1704 (sic) Wee have called a Vestry and caused the Opinion of Sir Edward Northey Knt. to be read concerning the Induction of Ministers, and do find the s<sup>d</sup> Edward Northey to be very possative and absolute in his Opinion Concerning the same; and accordingly acquaint your Excellency that Wee at present have a Minister<sup>6</sup> but do not think it proper neither are wee willing to make presentation for Induction."

NEWPORT PARISH, Isle of Wight County.

"June ye 30th, 1704. In Obedience to an Order of your Excellency in Council, directed to the Churchwardens and Vestry of this Parish wee have called a Vestry and Ordred the Opinion of Sir Edward Northey to be entered upon our Records; this Vestry finding that his Excellency has been pleased to recommend to us whether wee had any offer to make as to the Induction of a Minister, Wee humbly presume to informe your Excellency that wee have a well quallified Minister<sup>7</sup> with us and have had him these many years and doubt not but wee shall so continue. So wee make no representation for Induction wee never having had any Minister Inducted in this Parish. Thus Wishing your Excellency all happiness and a long and happy Government among us we Crave leave to subscribe ourselves, etc."

UPPER PARISH in Nansemond County. "the 16th of May, 1704.

"and after the Serious consideration of the premises wee are humbly of the Opinion y<sup>t</sup> the said Opinion of Sir Edward Northey with his Excellencys order in Council be entred in the Vestry book of this parish; and as to the induction of a Minister we as yet cannot be satisfised in our Opinion for that our Parish has been Vacant of a Minister since Mr. Peter Kippax our late Minister left us, and we cannot as yet be provided with

one Although wee have severall times made application to Mr. James Blair the late Commissary but as yet we are destitute of one only what wee are first (forced?) to have and Imploy to preach of the week days: but provided wee could be so happy to have a Minister amongst us that will be of good life and Conversation and that the Parrish be Satisfied of the Same the Vestry should be ready to make a representation of any such person pursuant to the Law of this Country in that case made and provided. And therefore wee the Churchwardens and Vestry humbly prays his Excellency that he will be pleased to recommend to our parish a minister as soon as he can conveniently; and that Such Minister soe recommended provided that he be one that is of a good life and Conversation he will have all the good Incouragement as the Vestry is Capable of."

CHUCKATUCK PARISH in Nansemond County, May the 27th, 1704.

"As to the presenting of our present<sup>8</sup> or any other Minister for Induction (we) are not of opinion leaveing the Same to his Excellency; but are willing to entertaine our present Minister upon the usuall termes as formerly within this Collony."

ELIZABETH RIVER PARISH, Norfolk County, April 4, 1704.

"Wee whose Names are under Written in Obedience to his Excellencys Order in Council to us sent; Wee do hereby conceive and it is our opinion that it wholly Lyes in the power of the Governor of Virginia to place and Displace any Minister coming into this Country, According as the Law of this Country directs."

LINHAVEN PARISH, in Princess Anne County, April the 6th, 1704.

"Wee therefore Represent to your Excellency our Parish being without a Clark ever since the removall of Mr. Wheatly,<sup>9</sup> only some small time Mr. Groves, that we are very desirous of having a good sober pious Minister amongst us and would willingly represent such a One to your Excellency if wee knew of any Such but if in Six Months wee have not that Opportunity Wee pray that your Excellency may Present such a one for our Minister."

HENRICO PARISH, Henrico County, "the first day of August, 1704.

"Your Excellency having been Pleased to transmitt to our Parish the Opinion of her Majestys Attorney Generall in England upon sum of our Laws of Virginia Relating to the Church and Induction of Ministers (which we have according to order intered in the Register book of this Parish), etc.

"In the first place wee humbly acquaint your Excellency that our present Minister, Mr. Jacob Ware,<sup>10</sup> has been in our parish severall years without Induction and hath been so well satisfied with us, and we with him that he is as certain of his continuance here during his life as if he were Inducted. Therefore we hope your Excellency will please to lett him and our Parish continue as wee are without alteration: And as to Induction of Ministers wee humbly conceive that the Parish is bound to keep that Minister so Inducted during his life altho' he behaves himself after his Induction not well nor to the satisfaction of his Parishioners unless he be Guilty of sum notorious crime and the Parish will not give themselves the trouble of complaining against him and proveing the fact, etc., which is seldom or never done, persons of quiet dispositions being willing to lye under many inconveniences rather than Ingage themselves in such troublesome affairs. Besides there are many lesser faults (wee doubt) some Ministers (were they settled for their lives) would be guilty of, which possibly they now avoid in regard to their own interest and Livelyhood. Also if the Minister and Parish agree and are never so well satisfied with each other yet the Minister at his pleasure may leave his Parish as wee have by experience found by Mr. James Blair, who upon his promise to continue with us during his life was Inducted into our Parish, and had Twenty thousand pounds of Tobacco per annum, and lived with us some years without any difference between him and the Vestry; Yet (as wee humbly conceive) in hopes of more profitt he left us destitute of a Minister without giving us timely notice that wee might take care to provide further for the Parish in that case: We must confess that her Majestys Attorney Generall opinion is according to the Law and practice of England, but (wee humbly conceive) our case in Virginia is quite different; for in England they have their choice of Ministers and good pious men fit for the ffunction, but in Virginia wee have not Ministers to supply all our Parishes, and many of those we have are very weak men or worse, being given to many vices not agreeable to their Coates, as is so well known to many in Virginia: and if a Parish should be void and this practice of Induction should be put in Execution that Vacant Parish be it Large or Small must have such a Minister put upon them as can at that time be had, who being Inducted for his life lett him prove never so weake a man etc. must be kept in that parish, which parish by that means (we humbly conceive) is incapacitated soe long as such a Minister lives to entertaine a more able and pious Minister of a good life and conversation capable and fitt to discharge his duty in so Sacred a ffunction.

"Now May it Please Your Excellency:

"It being the only aime and desire of us (and we presume the like of other parishes), always to have such able and pious men who are fitt to

discharge their duty to the glory of God and the benefit and satisfaction of their respective flocks under their care, without which (if the Minister be vitious and not respected, etc.), his Doctrine can not prevaile to the edification of the People, and if they are good men of a good Life and Example their Doctrine (in all probability) will be prevalent, and they are as sure of their benefices in all respects as if they were actually Inducted. Therefore, since Induction can be noe advantage to good pious and able Ministers, but may be a great prejudice to the Respective parishes, We humbly hope your Excellency will please not to Induct any Ministers but such as shall be presented by the said Parishes in Generall, but particularly by the Parish to which We belong."

ST. PAUL'S PARISH, New Kent County (Now Hanover). June 19, 1704.

"Whereas Mr. James Bricken,<sup>11</sup> Clarke, hath offer'd himself to this parish and after two Tryalls made is generally and unanimously approved of, we are willing after Letters of recommendation from his Excellency to entertain the Said James Bricken to officiat as Minister for this parish untell January next, and to pay for his so officiating According to Act of Assembly and if the Said James Bricken like ye pish and pish consequently approve of him to continue further upon the afore Said termes."

"As for Sir Edward Northeys Sentiments concerning Induction wee never had a copy of it transmitted to us."

ST. PETER'S PARISH, New Kent County, August 18th, 1704.

"This Vestry answers That they are not for Inducting the Minister, not for any dislike they have to him,<sup>12</sup> but that the whole pish in Generall is against Induction."

BLISSLAND PARISH, New Kent County.

"To His Excellency Francis Nicholson Esq., her Majesty's Lieut. and Governor Generall of Virginia.

"We the Subscribers the Vestry for Blissland Pish in New Kent County humbly Acquaint your Excellency that the Reverend Mr. Daniel Taylor<sup>13</sup> our present Minister hath hitherto Aproved a person Every way answerable to your Excellencys Charracter: We therefore think our Selves in Duty and Gratitude Obliged to present the Reverend Mr. Daniel Taylor whome if your Excellency pleases to admitt, we humbly desire may be Instituted and Inducted into our parish."

WAYANOKE PARISH in Charles City County.

"Our parish being so small are not of Ability to Induct a Minister, But when it shall please your Excellency to enlarge our Parish we shall in all



Humility submit to our Laws and willingly follow the Stepps of other parishes."

WALLINGFORD PARISH, James City County. "April ye 25th, 1704.

"The Vestry of the pish of Wallingford humbly present to your Excellency that wee are not of Ability to have a Minister Inducted. Wee humbly pray your Excellency that we may have some care taken of us to have the south side of Chickcaughhomeny River joyned to us, which formerly did belong to us that thereby we may be enabled to maintain a Minister; in the mean time We humbly beg your Excellency that we may Agree with any good Orthodox Minister to officiat tell such time yt your Excellency does enable us to maintain one."

WILMINGTON PARISH, James City County. "December ye ffirst, 1704.

"As to the opinion of Sir Edward Northey concerning Induction wee do not pretend to dispute, but wee are of opinion that had that Honourable Gentleman perfectly known the circumstances of this Country it might in some measure have altered his Opinion as to our Absolute conformity to the Laws of England in that case, and as no Governour hitherto hath Inducted any Minister till presented by the parishioners, and in that Act Intitled Ministers to be inducted the Governor being only requested to Induct Ministers into any parish that shall make presentation and not other ways: and our Church not being Void We hope Your Excellency will suffer us to Enjoy our former liberty.

JAMES CITY PARISH. James City County. April 23, 1704.

"In Obedience to your Command we have Considered Sir Edward Northeys opinion and your Excellencys order thereupon: Wee think fitt to offer to your Excellency that our Minister<sup>14</sup> being gone for England with our unanimous Consent to clear himself from severall Scandalous aspersions laid against him (which we have not the least ground of believing) wee cannot be so much wanting to ourselves to do anything to his prejudice but hope the Laws now revised will be so adapted to our Circumstances as to give full satisfaction to your Excellency and all good Men."

MARTIN'S HUNDRED PARISH, James City County. July 19, 1704.

"in Answer say that whereas our parish of Martines hundred being the first pish seated in this Coloney and then of large proportion according to tithables, but now is reduced to only 104, and therefore it cannot be expected that we can be capeable of Inducting of a Minister or to grant him the full Sallary according to the Law: therefore wee with sub-

mission return the same to his Excellency to either Joyne us with sum other pish which may make us capable, or otherways to lett us continue as wee are, that wee may be served by sum ajacent Minister as wee can agreee."

YORK PARISH, York County. "Aprill ye 25th, 1704.

"And for further Answer to your Excellency as by the said order is required, Say that wee shall not dispute your Excellency's authority in matters Ecclesiastical more than in Civill, but to both shall render entire Obedience; but wee pray that your Excellency will not exert your authority in this particular towards us, The word Induction Sounding very harsh in our eares; besides wee are a very small quantity Seldom exceeding 230 or 240 Tithable persons, therefore not able to pay the full sallary to a Minister as by law is established: therefore wee desire to continue as wee are, having as yet never been without a Minister as well agreeing with him whome wee now have,<sup>15</sup> and for whome we provide as well as our circumstances will add-mit of, he being therewith content and Satisfied."

..... PARISH in ..... County. (Parish not named.)

"Wee have Sir Edward Northey's Opinion before Us concerning the right of Presentation and Induction of Ministers, with an Order of Council thereon by which find sum replyes expected; but it being a matter of too great weight and consequence for us to determine, cannot but hope the Revisall of the Laws and the Worshipfull Assembly have and will take Such Care as may effectually conduct to the cleering those heads and all others in relation to them to the future eas and satisfaction of all.

"And to the end our present want of a Minister may be no way imputed to our Negligence, think it not amiss to acquaint your Excellency with our utmost Sedulity hath not been wanting to procure one; and hope the little choice in this Country will in some sort excuse our delay, together with the refusall of one whome wee desired to Entertain. We shall use our sinceir Endeavours to supply the Vacancy and give due Obedience to Law."

HAMPTON PARISH, York County, May 20, 1704.

"We of the Vestry whose names are above Written on Consideration of the Same are humbly of opinion that Inducting Ministers is not convenient, particularly in small Pishes whereof wee are one."

CHARLES PARISH, York County. "May ye 31th 1704.

"Upon our most Serieuse Consideration do find that Wee are not of ability to present a Minister for Induction. Our Minister<sup>16</sup> being well

Satisfied with us and wee with him: therefore shall leave it to your Excellency's consideration hoping you will not make use of your Ecclesiasticall Jurisdiction."

MULBERRY ISLAND PARISH, Warwick County. July 25, 1704.

"Wee return that Mr. James Sclater is entertained as Minister in this Parish, and hath been so near fifteen years, and although at present out of the Country wee are daily in Expectation of him, in the meane time he hath taken care that wee are not Destitute."

DENBIGH PARISH, Warwick County, October 13th, 1704.

"The Vestry of the said Parish do humbly offer to your Excellency that as they pay all Defference to her Majestys Attorney Generall as to matter of Law so they at the same time humbly pray your Excellency to consider that their parish by reason of the.....thereof is one of the smallest pishes in Virginia for which reason they are very often without a Minister not being able to give the allowance the Law in this case requires (tho' at this time they are Supplied once a fortnight by the Rev<sup>d</sup> Mr. Wagener)<sup>17</sup> that it would be insupportable to them to maintain a Minister at the full allowance: and therefore humbly pray that no Minister may be Inducted into their parish without presentation and that their parish may be enlarged sufficient to make them capable of Entertaining a Minister every Lord's day and to allow him ye full Mentainance according to the Law of this Country."

ELIZABETH CITY PARISH in Elizabeth City County, September 18th, 1704.

"About twelve Months agoe our then Minister Mr. James Wallace<sup>18</sup> departed this Country who promised to return within Six Months if possible and thereupon was promissed by most of the Vestry as far as in them lay that he should be recd into this pish again at his return, but he having far over Shott that time our Vestry sum time since acquainted your Excellency of our want of a Minister. Your Excellency Suddinly after Recommended to us Mr. Grace<sup>19</sup> who by his own consent and aprobatation with the Vestry agreed to officiat as our Minister for one whole year and no longer at one time as is Customary in most pishes in Virginia, he being unwilling as he himself declared in the hearing of severall of the Vestry to be confined to them for any longer time: neigther did he desire it: And whereas it has been found by woful Experience in this Country that Inductions to them few pishes that has made presentation have proved of ill Consequence and therefore wee think it not convenient to make any presentation of our new Minister."

SITTENBOURN PARISH in Richmond County. "ye 15 day of Aprill, 1704.

"This Vestry are of Opinion and accordingly do returne for answer that they the Said Vestry have now by their petition to the Right Worshipfull the House of Burgesses prayed that the Said parish may be Divided and that until the Same be Divided they are altogether incapable to make any presentation for that the Said Parish being now so unsettled for want of a Division the Said Vestry cannot procure any Clergyman to officiat therein wherefore wee humbly pray his Excellency that the time given for the presentation afore Said may be Suspended untill the Pish shall be further Settled by the Division."

SOUTH FARNHAM PARISH, ESSEX COUNTY. April 7, 1704.

"As to Sir Edward Northeys opinon for Induction of Ministers wee do not think our selves Judges and so leave wholly to your Excellency in Assembly, but are unanimously against Inducting of any Minister."<sup>20</sup>

STRATTON MAJOR PARISH, King and Queen County.

"May it Please Your Excellency:

"Wee the Churchwardens and Vestry men of Stratton Major pish in the County of King and Queen, Virginia having had three years experience of the Good life and Doctrine of the Reverend Mr. Edward Portlock<sup>21</sup> do (upon your Excellencys Motion for the Induction of Ministers by presentation) hearby present the said Reverend Mr. Edward Portlock into the Said parish, and accordingly we the said Churchwardens and Vestry men (being the undoubted patrons of the Said parish of Stratton Major) do hearby request your Excellency to Issue out Instruments for Inducting the Said Mr. Edward Portlock according to Law and Agreeable to the usuall form and method in that case; In testimony Whereof wee have Sett our hands and Seals this the thirtieth day of March Anno Dom one thousand Seven Hundred and four."

ST. STEPHEN'S PARISH, King and Queen County. March 27, 1704.

"Wee the present members of the Vestry of the above pish this day mett and having perused and Seriously Considered the afore Said opinion of the Said Sir Edward Northey, Do humbly conceive that in regard it hath not been the practice of this pish nor many other parishes in this Government to make presentation of any Minister for Induction Wee think our selves reasonably to be Excused from any such Compliance: yet it is our Unanimous Opinion that if the Law Obligeth us to give way to an Induction that then Mr. Ralph Booker<sup>22</sup> our present Minister (who hath long officiated to the Generall Satisfaction of the Pish) wee desire may rather then any other Minister be admitted therein."



CHRIST CHURCH PARISH, Middlesex County, March ye 5th 1704/5.

"Upon consideration of Your Excellencys Order of Council and Proclamation relating to the opinion of Sir Edward Northey about Induction of Ministers, etc.

"In answer to which wee humbly Say that before the receipt of your Excellencys order of Council and Proclamation wee had Inducted the Reverend Mr. Bartholomew Yates<sup>23</sup> our present Minister."

PETSWORTH (PETSO) PARISH, Gloucester County. Aprill ye 24th, 1704.

"May it Please your Excellency:

"Wee the Churchwardens and Vestry Men the undoubted Patrons of Petso Parish in the County of Glocester having mett this day by your Excellencys order Dated 18th of this instent for the calling of a Vestry to Chuse a Minister do make presentation of the Said Church to the reverend Mr. Emanuel Jones<sup>24</sup> of hose good life and Doctrine wee have had above three years Experience; and therefore humbly pray your Excellency to grant him institution and Induction According to the form and Method usually Don in this Collony."

WARE PARISH Gloucester County. September 25, 1704.

"May it Please your Excellency:

"Sir Edward Northeys opinion concerning Induction being entred into our Vestry book according to your Excellencys commands wee took the Subject matter thereof into our Serious Considerations and thereupon humbly presume to offer to your Excellency that wee find the Law of Virginia relating to Induction of Ministers to be in these words (upon which the Governor is hearby requested to Induct the Said Minister into any parish that shall make presentation of him) that wee conceive no Minister has as yet been Inducted in this Country without the presentation of the parish; that the people of this parish Generally seem to be averst to a presentment in Order to Induction, tho' well enough inclined towards the Reverend Mr. James Clack<sup>25</sup> who has been Minister of this parish above Six and Twenty years; that wee take our circumstances and those of England to be very different, in regard upon a Vacancy no Choyce is to be had of a Minister in this Country, but such as offer must be taken or the parish will forfeit its right of presentation according to Sir Edward Northeys opinion; but whether the Advowson and right of presentation to the Churches in this Country be Subject to the Laws of England or not wee do not pretend to determine."

KINGSTON PARISH, Gloucester (now Mathews) County. October 19, 1704.

"May it Please Your Excellency:

"Having according to your Excellencys commands read and entred in our Vestry book Sir Edward Northeys opinion relating to Induction, Wee took into consideration the contents thereof and thereupon humbly represent to your Excellency

"That at present this parish is without a Minister.

"That every Minister we have hitherto had, received in the parish without asking a presentation.

"That the people of this parish have never as yet offered to present any of their Ministers, but as wee aprehend have all along been and Still continue more Generally against then for Induction.

"That the parishes in England upon every Vacancy have ye opportunity of a great choyce, which is not to be had in this Country on the like occasion, and upon that account it Seems to be the more reasonable they Should be Obliged to a limited time to present."

ABINGDON PARISH, Gloucester County. Aprill ye 25th, 1704.

In Obedience to your Excellencys order in Councill bearing date March 3d, 1703 Wee the said Vestry having mett at the Church of the Said parish and having recd Sir Edward Northeys opinion relating to the presentation for Induction of Ministers, and after Mature Consideration thereon the Said Vestrys Opinion is not to make presentation of any Minister which (with Submission to your Excellency) is what wee think needful to offer herein."<sup>26</sup>

ST. PAUL'S PARISH, Stafford (now King George) County. (no date)

"The Church Wardens and Vestry of St. Pauls Parish in the County of Stafford having at the Vestry held for the Said Parish Received and read Sir Edward Northey Knt. her Majestys Attorney Generalls Opinion upon the Acts of Assembly of this Collony and particularly concerning the Induction of Ministers, . . . and having well Weighed and considered the Same, Wee beg leave to tell your Excellency Wee are of opinion the Laws of Virginia allready made have Sufficiently provided for the Induction of Ministers and very Consonant to the Constitution of this Government; The further consideration of which wee humbly Begg may be refered to the Honorable House of Burgesses."

COPLE PARISH, Westmoreland County. March 18 1703/4.

"Wee have had a meeting of the Said Vestry where Mr. Attorney Generalls opinion was Read before us . . . and upon due consideration of the

premisees with humble submission are of Opinion that the Laws of this Country allready Enacted relating to the Induction of Ministers have provided for the same so farr as our Capacities and the Constitution of this Collony will Admitt: But humbly conceive the Same being an Affaire of so great weight and Importance to this Collony and every Individuall parish therein, Wee think it most proper to Refer the same to the Consideration of the next Assembly, in whose Determination all our Votes are Supposed to be Concluded."

OVERWHARTON PARISH, Stafford County. October ye 21st, 1704.

"Wee the Church wardens of Overworton Parish in Virginia by order of the said Vestry do humble Acquaint your Excellency that they are and shall be ready to yeild all due Obedience to the 3d Act of Assembly Instituted Gleabe to be laid out, as Soone as it shall Please God to Supply us with a Minister and shall take Care for to provide for a Minister according to Law."

WASHINGTON PARISH, Westmoreland County. March 28, 1704.

"A Vestry being Called by Order of ffra. Nicholson Esq., her Majestys Lieutenant and Governor Generall of Virginia for Inducting a Minister into the Parish by an Act intituled Ministers to be Inducted, and Consequently wether Mr. St. John Shropshire<sup>27</sup> shall be Inducted Minister of the pish; all the gentlemen of the Vestry are of Opinion not to Induct him for his life time, except Mr. Lewis Markham, and the said Markham desents from the rest for the following reasons (Viz) that his Opinion is that he is a Very good Man and Preaches Very well, and that he never saw any manner of harm by him and therefore ought to be Inducted."

WICCOCOMOCOE (Wicomico) PARISH, in Northumberland County, April ye 16th, 1704.

"In Obedience to your Excellencies Command a Vestry has mett and Considered of Sir Edward Northeys Oppinion in relation to Induction of Ministers. In Answer Wee think the Law about Induction is well Enough already as wee understand it, Viz, That (if) any parish present a Minister to his Excellency the Governour to be Inducted, upon their request the Governour if he Seeth fitt may doe it but that it being not only the Cause of our particular Parish but Likewise of the whole Country, and the Assembly Drawing nigh with Submission wee conceive it fitt to be refer'd to the Generall Assembly in whose Determination all our Votes are Supposed to be Included."

ST. MARY'S PARISH, Essex and Richmond Counties, now Caroline County. October ye 8th 1704.

"May it Please your Excellency:

"In Obedience to your Excellencys Command, Att a Vestry held for the Parish of St. Mary's Rappahannock, In order to consult an Answer to your Excellencys Order in Councill in your Letter by the Reverend Mr. Owen Jones, Itt is Ordered to Informe your Excellency That

"Upon the Avoydance of the Reverend Mr. William Andrews<sup>28</sup> our Minister (which was without our consent or any cause by us given) and upon your Excellencys Recommendation of the Reverend Mr. Owen Jones<sup>29</sup> to us, Wee have Entertained him for our Minister; and return your Excellency hearty thanks for your particular Care of us;—

"And whereas by your Excellencys Order in Councill bearing Date March ye 3d, 1703 Wee are required to give your Excellency an Account what wee think proper apon Sir Edward Noorthes Opinion touching Induction of Ministers—Wee humbly represent to your Excellency That wee have always been and ever shall be ready to give our Minister all just incouragement tho' never under such confinement, and our Minister not Insisting upon it wee humbly request that your Excellency would please to Excuse us. The State of our Parish (lying in twō Countys and on both sides the River) being at present alltogether unsettled."

ST. ANNE'S PARISH, Essex County. October 13th, 1704.

"It is the Opinion of this Vestry that at present they are not able to present any Minister and that as soon as they have opportunity to present one qualified they will forthwith comply with the Law."

.....PARISH .....County April 18, 1704.

"Wee have mett at a Vestry this the Eighteenth of April and then caused to be read Sir Edward Northes opinion concerning Induction of Ministers and have entred the Same on the Regester book: And that wee are provided with a Minister<sup>30</sup> in whome wee are Satisfyed as he now is without Induction he making a motion to go to England the next year."

NORTH FARNHAM PARISH, Richmond County. (No date)

To His Excellency Ffrancis Nicholson, Esq. her Majestys Lieut. and Governour Generall of Virginia, etc.

"Wee the Vestry of North ffarnham Parish in the County of Richmond, Conceiving our Selves to be the true and undoubted Patrons of the Church afore Said in the full right wee have of presentation Wee do Present Peter Kippax,<sup>31</sup> Clarck into ye Church of Northfarnham Parish in the County of Richmond To have hould and enjoy the Same with all



the Rights Members and Appurtenances thereunto belonging according to Severall former and late Acts of Parliaments in this case provided, he doing and performing the Dutty of a Paster to the Said Church."

ST. MARY'S WHITECHAPEL PARISH, Lancaster County. April 15th, 1704.

"Wee the Churchwardens and Vestry Men of the Parish of St. Mary's White-Chappell in the County of Lancaster Knowing it our Bounden Duty to Answer your Excellencys and Councils Order. Do therefore in all humility Represent to your Excellency how much Value wee have for the Character of a good Minister and Especially such an one as Wee could wish for as were Capable to give Satisfaction to our whole Pish, it would much Conduce to our willingness to represent one for Induction.

"But for as much as few Such good Ministers whose Life and Conversation is Suitable to the Carracter they ought to merit comes Amongst us in these American parts and Espetially in this Northern Neck Where our Commodities doe not Come up in Vallue with that of other parts of this Collony. And since that it is Seldom known of Ministers once Entertained in any pish here is ever Removed unless by his own Meens procured, (or for want of Orders), Wee therefore Represent it as an Aggreivance that such an Imposition as Sir Edward Northey's Reports as concerning Induction of Ministers shuld be put upon us without our approbation in case wee faile to make presentation in Six Mounths. Wee therefore hope may it please your Excellency that as it is our Desire to lay things of so great an Importance as this is before your Excellency and the Honorable Councill together with the Right Worshipfull ye House of Burgesses Mature Consideration which will Conduce not only to the Sattisfaction of our Parish whome wee Represent but also to the whole Country."

CHRISTCHURCH PARISH, Lancaster County. April the 11, 1704.

"May it Please Your Excellency

". . . we the Vestry of this Parish have caused the said Oppinion to be Entred upon our Vestry book; and upon Consideration thereof with all humility offer to your Excellency's Consideration our Sentiments there upon (Viz) :

"That the Vestry of this Parish hath ever been very respectfull to their Ministers that since this Parish had a being we have had but two Ministers the first died amongst Us our present Minister<sup>32</sup> although not Quallified with Episcopall Orders and Entertained at first, noe other Minister presenting, with the allowance of my Lord Howard, hath Continued amongst us Eighteen Years without the least discord or disagreement with the Vestry and by his Sallary and Improvement on our Gleab hath Ac-

quired to himself a Very good estate that upon removall of our present Minister we shall embrace it as a Singuler blessing of heaven both upon our Selves and posterity to be Supplied with another good one in his room whose Conversation as well as Doctrine may becom his Character upon a full Experience of which we Shall be most ready to endear Such a Person by making a presentation of him according to our Act of Assembly that wee have heard but of few Ministers being Removed from their Parishes by their Vestry: and then for Extraordinary Causes too on their Side. Instances have been frequent and late of Ministers leaving their parishes without any Just occasion given by their Vestry upon Prospect of Advantage to themselves, that in these parts of the Country where Oranoca is made which is our Case and the Case of all this Northren Neck Ministers are soe thin and care so little for coming into Such parishes we are glad to take up with any that offers let their lives be never so Licentious or their Qualifications so unfitt for the Discharge of their offices that wee think it would not only be a proceeding never before heard of in this Country Since the Settlement of it but in our Case would also be an Extraordinary hardship to have a Minister Inducted upon us without any or which wee take to be little better but Six months knowledge of the man.

"That wee are humbly of Opinion tis not our business to Controvert the Opinion of Sir Edward Northey which appears to us to have been given not Judicially on Debate before him or upon reference to him.

"That if our Acts of Assembly relating to the Church and Clergy wants Explanation beyond the Interpretation hath been hitherto made of them wee humbly Conceive tis without our Verge to meddle therein but is properly the worke of an Assembly unto whose wise determination wee Shall always Submitt this Soe weighty a Case."

ACCOMACK PARISH, Accomack County. April 3d, 1705.

". . . and whereas his Excellency was pleased further to Require that the Vestry Offer unto his Excellency What they should think proper, have upon Mature consideration thereof In all humility represented to your Excellency that Wee have been Severall years without a Minister notwithstanding our Endeavour to gitt one. But at the present through the Charity of the Reverend Mr. Robert Keeth Minister of Sumerset County in Maryland Supplys our present Vacancy once in two Months on the Weeke days and haith promised his kindness to continue amongst us Untill wee can be better Supplyd. Therefore humbly beseech your Excellency out of your Pious Care for the Supply of all Ministers for Vacant places within your Jurisdiction that you will be graciously pleased to consider our Necessity and provide for us Accordingly."

NOTES • APPENDIX VIII

1. McIlwaine, *Executive Journals, Council of Colonial Virginia*, II, 353. This opinion is given in full also in Perry, Virginia Volume, *Contributions to the Ecclesiastical History of the United States*.
2. Public Record Office, London C. O. 5, Vol. 1314, Part 2, 63. Transcripts of these letters are in the Library of Congress, pp. 1017 to 1083.
3. Rev. George Robertson was minister of Bristol Parish from 1693 until 1735, when he became minister of Dale parish upon the division of Bristol Parish.
4. Rev. Charles Anderson was rector of Westover Parish from 1692 until his death, in 1718.
5. St. of 28 H 8 means "The Statute of the 28th year of King Henry VIII."
6. Rev. Thomas Sharpe, minister of Upper, or Warwisqueake Parish, 1702 to 1706, or thereabouts.
7. Rev. Andrew Monroe, minister of Newport Parish from 1700 to 1719.
8. Rev. William Rudd was minister of Churkatuck.
9. Rev. Solomon Wheatley was minister of Lynnhaven Parish in 1702 and minister of Bruton Parish from 1702 until his death in 1710.
10. Rev. Jacob Ware was minister of Henrico Parish from 1695 until his death in 1708.
11. Mr. James Breechin (Bricken, Brochin) remained in St. Paul's Parish for eighteen months. He was later, 1709-1722, minister of Cople Parish in Westmoreland.
12. Rev. Richard Squire was minister of St. Peter's Parish from 1703 until his death in 1707.
13. Rev. Daniel Taylor was minister of Blissland Parish from 1704 until his death in 1729. His son, Rev. Daniel Taylor, Jr., was minister of St. John's Parish, King William County.
14. Rev. James Blair, the Commissary, was minister of James City Parish from 1694 until 1710.
15. Rev. Arthur Tillyard was minister of York Parish from 1704 for some years and probably until his death in 1712. He was officiating also in Martin's Hundred Parish in 1704/05.
16. Rev. James Sclater was minister of Charles Parish from 1688 until 1724. He was officiating also in Mulberry Island Parish.
17. Rev. Peter Wagener was serving as supply in Charles Parish in 1704 while Rev. Mr. Sclater was in England.
18. Rev. James Wallace was minister of Elizabeth River Parish from 1691 until his death in 1712.
19. Rev. Isaac Grace served as supply for one year while Mr. Wallace was away. He then seems to have returned to England.
20. Rev. Lewis Latane was minister of South Farnham Parish from 1701 until his death in 1732.
21. Rev. Edward Portlock seems to have held his rectorship of Stratton Major for a few years only. He either died or moved away before 1710.
22. Rev. Ralph Booker (Bowker) was minister of St. Stephen's Parish until after 1719.

23. Rev. Bartholomew Yates was rector of Christ Church Parish, Middlesex County, from 1703 until his death in 1734. He was succeeded in the rectorship by his son, Bartholomew, Jr., who was rector from 1736 until his death in 1767.
24. Rev. Emanuel Jones, the first, was minister of Petsworth Parish from 1700 until his death in 1739. A son and a grandson, both named Emanuel, followed him in the ministry of the Church in Virginia.
25. Rev. James Clack was minister of Ware Parish from 1679 until his death in 1723.
26. Rev. Guy Smith was minister of Abingdon Parish from 1702 to 1719.
27. Rev. St. John Shropshire was minister of Washington Parish from before 1704 and probably until his death in 1718.
28. Rev. William Andrews was minister of St. Mary's Parish 1700 to 1702.
29. Rev. Owen Jones was minister of St. Mary's Parish from 1704 until after 1726.
30. Although the name of this parish is not given, it must be noted that of nine names of Vestrymen signed to this letter, six appear as signers of the following letter from the Vestry of North Farnham Parish. So it is to be presumed that after declining on April 18, 1704, to present their minister for induction, they later had a change of mind and presented him.
31. Rev. Peter Kippax was minister of North Farnham Parish from 1702 until 1714 and perhaps a year later.
32. Rev. Andrew Jackson (of Presbyterian ordination) was minister of Christ Church Parish, Lancaster County, from 1686 until his death in 1710.



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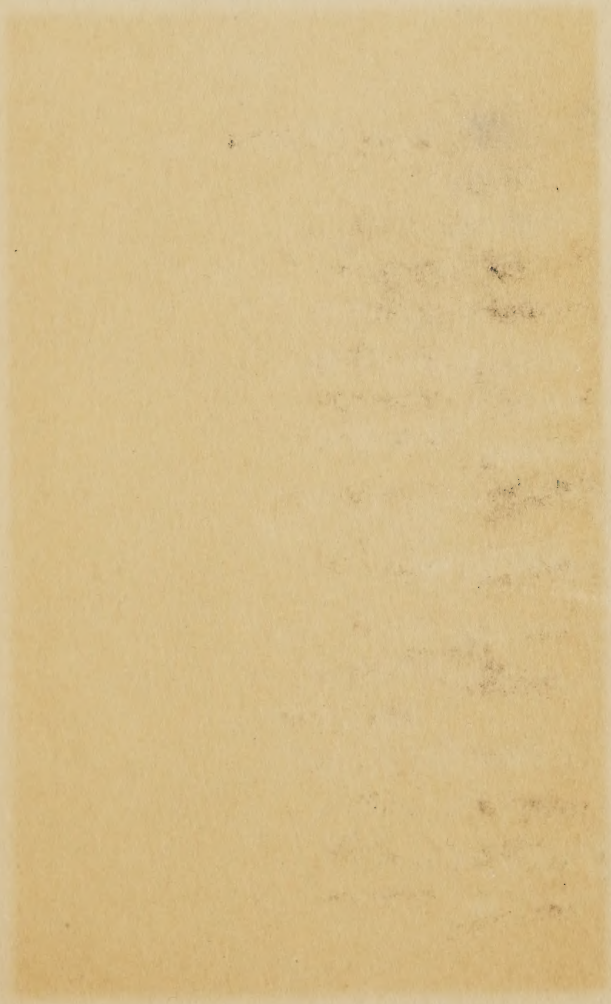






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